

**立法會**  
**Legislative Council**

LC Paper No. CB(2)3097/05-06  
(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 Wednesday, 19 July 2006 at 10:45 am  
in Conference Room B of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)  
Hon Margaret NG  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Albert CHAN Wai-yip  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LI Kwok-ying, MH, JP  
Hon Alan LEONG Kah-kit, SC  
Hon TAM Heung-man
- Members absent** : Hon Albert HO Chun-yan  
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 WONG Kwok-hing, MH  
Hon LEUNG Kwok-hung  
Hon Patrick LAU Sau-shing, SBS, JP
- 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**

The Bills Committee discussed items A to R in the Administration's paper entitled "Consolidated Response - The Administration's response to Members' suggestions/views" [LC Paper No. CB(2)2368/05-06(01)] (index of proceedings attached at **Annex**).

Appointment of proxy

2. Members remained of the view that an owners' corporation should be required to keep proxy instruments for a certain period of time, say one month, after the holding of the owners' meeting. The Administration was requested to reconsider.

3. The Chairman expressed concern that there would be a direct conflict of interest in case of tie vote if the chairman of a management committee (MC) was given the final power to determine the validity of proxy instruments. He suggested that the Administration in the future should devise necessary solution to avoid possible conflict of interest.

4. Mr LI Kwok-ying expressed the view that owners should be given the option to indicate the date and time of signing in the proxy instruments and if there were two or more proxy instruments from the same owner, the proxy instrument with indication of the latest date and time of signing should be accepted as the proxy last appointed and there was no need to seek clarification from the owner concerned. The Chairman and Mr Alan LEONG did not agree with Mr LI's view.

Admin

Action

Communications among owners

5. On the Administration's proposal of including a new paragraph under Schedule 7 to require a building manager to consult the owners' committee, and if there was a corporation, the general meeting of owners, and adopt their decision on the channels of communication among owners on any business relating to the management of the building, the Chairman expressed concern that communications among owners on matters relating to building management could still be banned by a majority decision.

Inspection of documents

6. The Chairman was strongly of the view that owners should be allowed under the Building Management Ordinance (BMO) to inspect all bills, invoices, vouchers, receipts and other documents kept by an MC as required by paragraph 1 in the Sixth Schedule to BMO. He considered that owners should at least be given the right to apply for a court order to do so. The Chairman indicated that he might consider moving Committee Stage amendments in this regard. He requested the Administration to reconsider his view.

Admin

**II. Any other business**

7. Members agreed to continue the discussion at the next meeting which would be held on Thursday, 21 September 2006 at 10:45 am.

8. There being no other business, the meeting ended at 12:53 pm.

Council Business Division 2  
Legislative Council Secretariat  
26 September 2006

**Proceedings of the Bills Committee on  
Building Management (Amendment) Bill 2005  
on Wednesday, 19 July 2006 at 10:45 am  
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000721	Chairman Admin Mr LI Kwok-ying	Discussion on the Administration's paper entitled "Consolidated Response - The Administration's response to Members' suggestions/views" [LC Paper No. CB(2)2368/05-06(01)]	
000722 - 001009	Chairman Admin	A. <u>Appointment of a management committee (MC)</u>	
001010 - 001127	Chairman Admin	B. <u>Avoidance of formation of more than one OC</u>	
001128 - 002026	Chairman Admin Mr LI Kwok-ying	C. <u>Filling of Vacancies of an MC</u>	
002027 - 002109	Chairman Admin	D. <u>Self-declaration made by MC Members</u>	
002110 - 002551	Chairman Admin	E. <u>Appropriateness of the MC Chairman to Preside over Owners' Meeting</u>	
002552 - 002914	Chairman Admin	F. <u>Owners' Rights to Request the MC Chairman to Convene a General Meeting of the Corporation</u>	
002915 - 003349	Chairman Admin Mr LI Kwok-ying	G. <u>Interpretation of the term "Majority"</u>	
003350 - 010930	Chairman Admin Mr LI Kwok-ying Mr Alan LEONG	H. <u>Appointment of Proxy</u>	<b>Admin to reconsider members' view</b> (para. 2 of minutes)
010931 - 011802	Chairman Admin ALA4	I. <u>Protection of Members of MC</u>	
011803 - 014959	Chairman Admin Ms Audrey EU Mr LI Kwok-ying	J. <u>Procurement Requirements</u>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
015000 - 015041	Chairman Admin	K. <u>Posting of Notice</u>	
015042 - 015054	Chairman Admin	L. <u>Formation of OC or Committee in House Developments</u>	
015055 - 015103	Chairman Admin	M. <u>Alternate Dispute Resolution for Building Management Disputes</u>	
015104 - 015224	Chairman Admin	N. <u>Minority Owners to Sue OC or Members of an MC</u>	
015225 - 015324	Chairman Admin	O. <u>Jurisdiction Vested in Lands Tribunal</u>	
015325 - 015525	Chairman Admin	P. <u>Communications among Owners</u>	
015526 - 015638	Chairman Admin	Q. <u>Financial Arrangements for OCs and Managers</u>	
015639 - 020158	Chairman Admin	R. <u>Inspection of Documents</u>	<b>Admin to consider the Chairman's view</b> (para. 6 of minutes)
020159 - 020337	Chairman Ms Audrey EU Admin	Date of next meeting	

Council Business Division 2  
Legislative Council Secretariat  
 26 September 2006