

**立法會**  
**Legislative Council**

LC Paper No. CB(2)433/06-07  
(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, 2 November 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 Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
Hon Abraham SHEK Lai-him, JP  
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
- Members absent** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon CHOY So-yuk, JP  
Hon Albert CHAN Wai-yip  
Hon LI Kwok-ying, MH, JP  
Hon TAM Heung-man
- 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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Action

**I. Confirmation of minutes**

[LC Paper No. CB(2)198/06-07]

The minutes of the meeting held on 21 September 2006 were confirmed.

**II. Future meeting schedule**

2. The Bills Committee agreed to schedule three additional meetings for the following dates -

- (a) 7 November 2006 at 10:45 am;
- (b) 24 November 2006 at 8:30 am; and
- (c) 29 November 2006 at 8:30 am.

[*Post-meeting note* : An updated meeting schedule was issued to members vide LC Paper No. CB(2)249/06-07 on 3 November 2006.]

**III. Meeting with the Administration**

[LC Paper Nos. CB(3)477/04-05, CB(2)3140/05-06(01) and (02)]

Clause-by-clause examination of the Bill

3. The Bills Committee completed examination of clause 11(b) to clause 13 of the Bill, together with relevant Committee Stage amendments (CSAs)

Action

proposed by the Administration. (Index of proceedings attached in **Annex**).

*Proposed new subsection 20A(2A) and (2B)*

Admin

4. The Administration was requested to take into consideration the following views expressed by members in reviewing the proposal of allowing a management committee or a building manager to waive the statutory tendering requirement -

- (a) while Ms Audrey EU did not object to the proposal, she considered that the scope of its application should be specified in the legislation. She also suggested that the proposal should not be applicable to building management services contracts;
- (b) Mr WONG Kwok-hing agreed to Ms EU's view. He indicated that he would support the proposal so as to facilitate continuous engagement of the incumbent contractor for certain kinds of services, e.g., renewal of lift maintenance contracts, provided that the Administration could suitably amend the provisions to prevent abuses;
- (c) the Chairman held the view that the provisions would be made too complex if the Administration sought to plug every possible loophole to avoid abuses. He also considered that the proposal would be of little use if it was not applicable to building management services contracts;
- (d) Mr LEUNG Kwok-hung considered that owners should not be allowed to skip tendering exercise for procurement of any supplies, goods and services, in order to avoid abuses and to allow owners to obtain the best quotations and up-to-date market information in the procurement process;
- (e) Mr Albert HO said that while he appreciated the merits of conducting tendering, it was also important to allow owners the flexibility to continuously engage the incumbent contractor without the need to go through a fresh tendering exercise. He would need to further consider this issue; and
- (f) Mr Abraham SHEK expressed support for the proposal.

5. The Chairman said that the proposed new subsection 20A(2A)(b) did not reflect the policy intent that the contractual terms and conditions should be specified in the resolution referred to therein for owners' endorsement. The Administration agreed to amend the proposed provision to such an effect.

Admin

Action

*Proposed new subsection 20A(6)(b)*

Admin

6. The Administration agreed to consider Ms Audrey EU's suggestion that this proposed new subsection should be amended to reflect the policy intent that the resolution passed by the corporation at a general meeting of the corporation under this subsection would be subject to any contrary order made by the court under subsection (7).

*Proposed new subsection 20A(7)*

Admin

7. The Administration agreed to consider the Chairman's suggestion that whether the supplier of the supplies, goods or services had benefited from the contract should be one of the factors to be considered by the court.

*Guidelines and publicity*

Admin

8. The Chairman requested the Administration to follow up members' suggestion that the Administration should issue detailed guidelines on and widely publicise the new statutory procurement requirements and consequences of non-compliance with the requirements after enactment of the Bill.

**IV. Any other business**

9. Members noted that the next meeting would be held on Tuesday, 7 November 2006, at 10:45 am.

10. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 November 2006

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

Time marker	Speaker	Subject	Action required
000000 - 000044	Chairman	<b>Confirmation of minutes</b>	
000045 - 000354	Chairman	<b>Future meeting schedule</b>	
000355 - 000707	Chairman Admin	<b>Clause-by-clause examination of the Bill and scrutiny of the Committee Stage amendments (CSAs) proposed by the Administration</b> [The Bill and LC Paper Nos. CB(2)3140/05-06(01) & (02)]  <u>Clause 11(b) &amp; (c)</u>  Amended section 18	
000708 - 001017	Chairman Admin	<u>Clause 12</u>  Amended section 20	
001018 - 001302	Chairman Admin	<u>Clause 13 and CSAs proposed by the Administration</u>  Amended section 20A(2)	
001303 - 010206	Chairman Admin Mr WONG Kwok-hing Ms Audrey EU Mr LEUNG Kwok-hung Mr Albert HO Ms Margaret NG	<u>CSAs proposed by the Administration</u>  Proposed new subsection 20A(2A)	<b>Admin to re-consider its proposal and to review drafting of proposed new subsection 20A(2A)(b)</b> (paras. 4 & 5 of minutes)
010207 - 010916	Chairman Admin Mr WONG Kwok-hing	<u>CSAs proposed by the Administration</u>  Proposed new subsections 20A(2B)&(5)	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject</b>	<b>Action required</b>
010917 - 014940	Chairman Admin ALA4 Mr Albert HO Mr WONG Kwok-hing Ms Audrey EU Ms Emily LAU	<u>CSAs proposed by the Administration</u>  Proposed new subsections 20A(6) to (9)	<b>Admin to review drafting of proposed new subsection 20A(6)(b) and to consider the Chairman's suggestion</b> (paras. 6 & 7 of minutes)  <b>Admin to strengthen guidelines and publicity on new statutory requirements</b> (para. 8 of minutes)
014941 - 015042	Chairman Ms Emily LAU	Date of next meeting	

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21 November 2006