

立法會
Legislative Council

LC Paper No. CB(2)630/05-06
(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, 10 November 2005 at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Albert CHAN Wai-yip (Acting 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 Miriam LAU Kin-ye, GBS, JP
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 LI Kwok-ying, 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 James TO Kun-sun (Chairman)
Hon CHOY So-yuk, 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

Mr Albert CHAN was elected acting Chairman to chair this meeting as the Chairman was unable to attend the meeting due to indisposition.

I. Confirmation of minutes

[LC Paper Nos. CB(2)223/05-06 and CB(2)224/05-06]

2. The minutes of the meetings held on 4 and 10 October 2005 were confirmed.

II. Meeting with the Administration

[LC Paper Nos. CB(2)2017/04-05(01) to (02), CB(2)2264/04-05(01), and CB(2)300/05-06(01)]

3. The Bills Committee deliberated (Index of proceedings at **Annex**).

Incorporation of owners of house developments

Admin

4. The Administration was requested to consider setting up a mechanism, by introducing provisions under the Building Management Ordinance (Cap. 344) (BMO) or under a new stand-alone Ordinance, to enable owners of a house development to form a body or to confer certain powers on these owners, for the management of the common parts/facilities of the house development.

Admin

5. The Administration was requested to consider the following views expressed by members in drawing up its proposal –

Action

- (a) the mechanism should enable owners of a house development to have a greater say in the management of the common parts/facilities of the house development;
- (b) it might not be necessary for the proposed body to possess the same powers and functions as those of an owners' corporation (OC);
- (c) the proposed body could be exempted from the application of specific provisions of BMO as appropriate and its operation could be governed by a separate schedule to be added to BMO;
- (d) the powers of the proposed body of owners could be restricted to the management of the house development only so that there would be no change to the land ownership of common parts within the house development concerned; and
- (e) the proposed mechanism could be worked out on the basis of the concept of "sub-sections on individual land lots".

ALA4

6. Assistant Legal Adviser 4 was requested to advise on the feasibility of the proposed mechanism.

Clerk

7. The Chairman said that that Mr Albert HO had previously put forward proposed amendments to BMO with a view to enabling the formation of OCs in house developments. He requested the Clerk to circulate the relevant paper to members for consideration.

[Post-meeting note : Committee Stage amendments on the above issue moved by Hon Albert HO during the scrutiny of the Building Management (Amendment) Bill 2000 were circulated vide LC Paper No. CB(2)390/05-06 on 16 November 2005.]

8. Members agreed that the Bills Committee would discuss this issue together with the Administration's response to be provided in respect of paragraphs 4 and 5 above at the meeting scheduled for 15 December 2005.

Clerk

9. Members noted that owners of house developments would be unable to form OCs under the circumstances as set out in the Administration's paper [LC Paper No. CB(2)2017/04-05(02)]. They considered that the Lands Department should include appropriate terms and conditions in future land leases with a view to facilitating the formation of OCs by these owners. Members agreed that the issue should be referred to the Panel on Planning, Lands and Works for follow-up.

Action

Date of next meeting

10. Members noted that the next meeting would be held on 17 November 2005 at 10:45 am.

11. There being no other business, the meeting ended at 10:15 am.

Council Business Division 2
Legislative Council Secretariat
8 December 2005

**Proceedings of the Bills Committee on
Building Management (Amendment) Bill 2005
on Thursday, 10 November 2005 at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 - 000618	Clerk Ms Emily LAU Mr Albert CHAN Members	Election of acting Chairman.	
000619 - 000705	Chairman	Confirmation of minutes of meetings held on 4 and 10 October 2005.	
000706 - 004857	Chairman Ms Emily LAU Admin Mrs Selina CHOW Clerk Mr WONG Kwok-hing Mr Patrick LAU	<p><u>The Administration's explanation on difficulty for the incorporation of owners in house developments under the Building Management Ordinance (BMO)</u> [LC Paper Nos. CB(2)1709/04-05(01) and CB(2)2017/04-05(02)]</p> <p>Difference between the ownership structure of flats in multi-storey buildings and that of house developments, i.e. independent houses built on individual land lots, and the problem with the deeds of mutual covenant (DMCs) of house developments, i.e. the owners did not possess any undivided share.</p> <p>Mandatory provisions in the Seventh Schedule to BMO.</p> <p>Briefing by the Administration on its response to the legislative amendments proposed by Hon Ronny TONG.</p> <p>Suggestions for the Lands Department to include appropriate terms and conditions in future land leases with a view to facilitating the formation of owners' corporations (OCs) by owners of house developments.</p>	Clerk (para. 9 of the minutes)
004858 - 012047	Ms Miriam LAU Admin Mrs Selina CHOW Chairman Ms Emily LAU Mr Alan LEONG Mr Abraham SHEK	Suggestions for the Administration to introduce provisions under BMO or under a new stand-alone Ordinance to provide for a mechanism to enable owners of a house development to form a body or to confer certain powers on these owners, for the management of the common parts/facilities of the house development.	Admin to give response and ALA4 to give advice (para. 4 - 6 of the minutes)

Time marker	Speaker	Subjects	Action required
012048 - 014134	Chairman Admin Ms Emily LAU Admin Miss TAM Heung-man Mr LEUNG Kwok-hung Mr Albert HO	<p>Allocation of manpower resources for <u>building management duties in 18 districts</u> [LC Paper No. CB(2)2017/04-05(02)]</p> <p>Members' views and suggestions on enhancing services of the Building Management Resources Centres as well as support and assistance for owners' corporations to facilitate their operation.</p>	
014135 - 014231	Chairman	<p>Circulation of proposals on enabling the formation of OCs in house developments previously made by Mr Albert HO.</p> <p>The Bills Committee to further discuss the issue of incorporation of owners of house developments again including the Administration's response to members' suggestions in paragraphs 4 and 5 of the minutes at the meeting on 15 December 2005.</p>	Clerk (para. 8 of the minutes)
014232 - 014522	Chairman Ms Emily LAU	Date of next meeting	

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 8 December 2005