

DRAFT

BUILDING MANAGEMENT (AMENDMENT) BILL 2005

COMMITTEE STAGE

Amendments to be moved by the Secretary for Home Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
2	<p>By deleting the clause and substituting -</p> <p>"2. Commencement</p> <p>This Ordinance shall come into operation on a day to be appointed by the Secretary for Home Affairs by notice published in the Gazette."</p>
3	<p>By adding before paragraph (a) -</p> <p>"(aa) by repealing the definition of "authorized officer";".</p>
3(c)	<p>In the proposed definition of "member", by deleting "paragraph 2(1)(a) or 5(2)(a) of Schedule 2" and substituting "section 14(2) or paragraph 2(1)(a), 5(2)(a), 6 or 6A of Schedule 2".</p>

New By adding -

"3A. Section added

The following is added in Part I -

**"2B. References to majority
of votes**

For the avoidance of doubt, in determining whether a resolution is passed by a majority of the votes of owners, or members of a management committee, at a meeting convened under this Ordinance, the following shall be disregarded -

- (a) owners or members, as the case may be, who are not present at the meeting;
- (b) owners or members, as the case may be, who are present at the meeting but do not vote;
- (c) blank or invalid votes;
- (d) abstentions."."

4(b) In the proposed section 3(2)(a), in the Chinese text, by deleting "多數票" and substituting "過半數票".

- 4(c) (a) In the proposed section 3(3)(a), by deleting "any person referred to in subsection (1)(b)" and substituting "the person referred to in subsection (1)(b) (if any)".
- (b) In the proposed section 3(3)(b), by deleting "any person referred to in subsection (1)(a)" and substituting "the person referred to in subsection (1)(a) (if any)".
- (c) In the proposed section 3(3)(c), by deleting "any person referred to in subsection (1)(a) or (b)" and substituting "the person referred to in subsection (1)(a) or (b) (if any)".
- (d) By deleting the proposed section 3(4)(b) and substituting -
- "(b) the resolutions that are to be proposed at the meeting and are related only to the appointment of a management committee and the incorporation of the owners."
- (e) By deleting the proposed section 3(10)(b) and (c) and substituting -
- "(b) the instrument appointing a proxy shall be lodged with the convenor at least 48 hours before the time for the holding of the meeting;
- (c) the instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs (a) and (b);

- (d) a proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting; and
- (e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall -
 - (i) acknowledge receipt of the instrument by leaving a receipt at the flat of the owner who made the instrument, or depositing the receipt in the letter box for that flat, before the time for the holding of the meeting;
 - (ii) determine the validity of the instrument in accordance with paragraph (c); and
 - (iii) display information of the owner's address in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting."
- (f) By adding -
 - "(11) Subject to subsection (12), the convenor shall keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least

12 months after the conclusion of the meeting.

(12) Where a management committee is appointed at a meeting of owners convened under this section -

(a) the convenor shall deliver to the management committee immediately after the conclusion of the meeting all the instruments for the appointment of proxies that have been lodged with him; and

(b) the management committee shall keep the instruments for a period of at least 12 months after the conclusion of the meeting.

(13) Subject to subsection (14), where a meeting of owners convened under this section is adjourned, subsections (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) shall apply to the adjourned meeting as they apply to the original meeting.

(14) Where a meeting of owners convened under this section is adjourned, a valid instrument appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned meeting unless -

(a) contrary intention is shown on the

instrument;

(b) the instrument is revoked; or

(c) the instrument is replaced by a new instrument appointing a proxy."

- 5(c) (a) In the proposed section 3A(3A), by deleting "any person referred to in section 3(1)(a) or (b)" and substituting "the person referred to in section 3(1)(a) or (b) (if any)".
- (b) By deleting the proposed section 3A(3B)(b) and substituting -
- "(b) the resolutions that are to be proposed at the meeting and are related only to the appointment of a management committee and the incorporation of the owners."
- (c) By deleting the proposed section 3A(3H)(b) and (c) and substituting -
- "(b) the instrument appointing a proxy shall be lodged with the convenor at least 48 hours before the time for the holding of the meeting;
- (c) the instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs (a) and (b);
- (d) a proxy appointed by an owner to attend and vote on

behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting; and

- (e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall -
 - (i) acknowledge receipt of the instrument by leaving a receipt at the flat of the owner who made the instrument, or depositing the receipt in the letter box for that flat, before the time for the holding of the meeting;
 - (ii) determine the validity of the instrument in accordance with paragraph (c); and
 - (iii) display information of the owner's address in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting."
- (d) By adding -
 - "(3I) Subject to subsection (3J), the convenor shall keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least 12 months after the conclusion of the meeting.

(3J) Where a management committee is appointed at a meeting of owners convened under this section -

(a) the convenor shall deliver to the management committee immediately after the conclusion of the meeting all the instruments for the appointment of proxies that have been lodged with him; and

(b) the management committee shall keep the instruments for a period of at least 12 months after the conclusion of the meeting.

(3K) Subject to subsection (3L), where a meeting of owners convened under this section is adjourned, subsections (3A), (3B), (3C), (3D), (3E), (3F), (3G), (3H), (3I) and (3J) shall apply to the adjourned meeting as they apply to the original meeting.

(3L) Where a meeting of owners convened under this section is adjourned, a valid instrument appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned meeting unless -

(a) contrary intention is shown on the instrument;

- (b) the instrument is revoked; or
- (c) the instrument is replaced by a new instrument appointing a proxy."

5(e) By deleting the full stop and substituting a semicolon.

5 By adding -

"(f) in subsection (6), by repealing "or an authorized officer"."

6 By adding before paragraph (a) -

"(aa) in subsection (1)(b), by repealing "or an authorized officer";".

6(b) (a) In the proposed section 4(5), by deleting "any person referred to in section 3(1)(a) or (b)" and substituting "the person referred to in section 3(1)(a) or (b) (if any)".

(b) By deleting the proposed section 4(6)(b) and substituting -

"(b) the resolutions that are to be proposed at the meeting and are related only to the appointment of a management committee and the incorporation of the owners."

(c) By deleting the proposed section 4(12)(b) and (c) and substituting -

"(b) the instrument appointing a proxy shall be lodged with the convenor at least 48 hours before the time for the holding of the meeting;

(c) the instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs (a) and (b);

(d) a proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting; and

(e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall -

(i) acknowledge receipt of the instrument by leaving a receipt at the flat of the owner who made the instrument, or depositing the receipt in the letter box for that flat, before the time for the holding of the meeting;

(ii) determine the validity of the instrument in accordance with paragraph (c); and

(iii) display information of the owner's address in a prominent place in the place

of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting."

(d) By adding -

"(13) Subject to subsection (14), the convenor shall keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least 12 months after the conclusion of the meeting.

(14) Where a management committee is appointed at a meeting of owners convened under this section -

(a) the convenor shall deliver to the management committee immediately after the conclusion of the meeting all the instruments for the appointment of proxies that have been lodged with him; and

(b) the management committee shall keep the instruments for a period of at least 12 months after the conclusion of the meeting.

(15) Subject to subsection (16), where a meeting of owners convened under this section is adjourned, subsections (5), (6), (7), (8), (9), (10), (11), (12),

(13) and (14) shall apply to the adjourned meeting as they apply to the original meeting.

(16) Where a meeting of owners convened under this section is adjourned, a valid instrument appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned meeting unless -

(a) contrary intention is shown on the instrument;

(b) the instrument is revoked; or

(c) the instrument is replaced by a new instrument appointing a proxy."

New By adding -

"9A. Incorporation

Section 8 is amended by adding -

"(1A) The Land Registrar shall not issue a certificate of registration to more than one corporation for a building in respect of which a deed of mutual covenant is in force."."

10 By deleting the clause and substituting -

"10. Land Registrar to maintain register of corporations

Section 12 is amended -

(a) in subsection (1), by adding ", and permit any person to inspect the register at any reasonable time to ascertain, in connection with the management of buildings, the particulars of a corporation entered in the register under subsection (2)" after "corporations";

(b) in subsection (2), by adding -

"(da) the name and address of the insurance company with which the corporation has effected a policy of insurance under section 28 and the period covered by the policy of insurance;".

New By adding -

"10A. Powers of corporation generally

Section 14 is amended by adding -

"(4) Paragraph 6 of Schedule 2 shall, with necessary modifications, apply for the purposes of appointing an owner to replace a member of management committee by the corporation under subsection (2), as it applies for the purposes of

appointing an owner to fill a vacancy in a management committee by the corporation."

10B. Tenants' representative

Section 15(2)(b) is amended by repealing "or an authorized officer".

11(a) By adding -

"(iii) by adding "in aggregate" before "not exceeding";".

13 By deleting the clause and substituting -

"13. Supplies, goods and services

Section 20A is amended -

(a) in subsection (2) -

(i) by repealing "Any" and substituting "Subject to subsection (2A), any";

(ii) in paragraph (a), by repealing "\$100,000" and substituting "\$200,000";

(iii) in paragraph (b), by repealing "as may be approved by the corporation by a resolution

passed at a general meeting"
and substituting "as the
Authority may specify by notice
in the Gazette";

(b) by adding -

"(2A) Subsection (2) does not
apply to any supplies, goods or
services which but for this
subsection would be required to be
procured by a corporation by
invitation to tender (referred to in
this subsection as "relevant
supplies, goods or services") if -

(a) the relevant
supplies, goods or
services are of the
same type as any
supplies, goods or
services which are
for the time being
supplied to the
corporation by a
supplier; and

(b) the corporation

decides by a
resolution of the
owners passed at a
general meeting of
the corporation that
the relevant
supplies, goods or
services shall be
procured from that
supplier instead of
by invitation to
tender.

(2B) Where any supplies, goods
or services are required under
subsection (2)(b) to be procured by
invitation to tender, whether a
tender submitted for the purpose is
accepted or not shall be decided by
a resolution of the owners passed at
a general meeting of the
corporation.";

(c) by repealing subsection (3);

(d) by adding -

"(5) A contract for the

procurement of any supplies, goods or services shall not be void by reason only that it does not comply with subsection (1).

(6) Where any supplies, goods or services are required under subsection (2) to be procured by invitation to tender, a contract for the procurement of the supplies, goods or services which does not comply with subsection (2) or (2B) -

(a) subject to paragraph (b) and subsection (7), shall not be void by reason only that it does not comply with subsection (2) or (2B);

(b) may be avoided by the corporation by a resolution of the owners passed at a general meeting of

the corporation but only for the reason that it does not comply with subsection (2) or (2B).

(7) In any legal proceedings in relation to a contract for the procurement of any supplies, goods or services to which subsection (2) or (2B) applies, the court may make such orders (including whether the contract is void or voidable) and give such directions in respect of the rights and obligations of the contractual parties as the court thinks fit having regard to all the circumstances of the case, including (but not limited to) the following factors -

- (a) whether the supplies, goods or services have been procured by invitation to tender;

- (b) whether a general meeting of the corporation has been convened to consider the procurement of the supplies, goods or services;
- (c) whether the Code of Practice referred to in subsection (1) has been complied with;
- (d) whether the contract has been split, for the sole purpose of avoiding the compliance of the requirements in subsection (2) or (2B), from a contract which should have been made for the procurement of supplies, goods or services of greater

value;

- (e) whether the supplies, goods or services were urgently required;
- (f) the progress of any activities or works in relation to the supplies, goods or services;
- (g) whether the owners have benefited from the contract;
- (h) whether the owners have incurred any financial loss due to the contract and the extent thereof;
- (i) whether the supplier of the supplies, goods or services under the contract has acted in good faith; and

(j) whether the supplier of the supplies, goods or services under the contract has incurred any financial loss due to the contract and the extent thereof.

(8) For the purposes of subsection (7), where the court makes an order that the contract is voidable at the instance of the corporation, it shall also make an order that a general meeting of the corporation be convened and held in such manner as the court thinks fit, so as to decide whether the contract is to be avoided.

(9) For the avoidance of doubt, subject to section 29A, any person who enters into a contract for the procurement of any supplies, goods or services otherwise than in compliance with subsection (2) or,

if applicable, subsection (2B) shall be personally liable for any claims arising from the contract."."

New By adding -

"13A. Section added

The following is added -

"26A. Management committee to display information about legal proceedings

A management committee shall notify the owners of any legal proceedings to which the corporation is a party -

- (a) in the case of proceedings against the corporation, by displaying a notice containing the particulars of the proceedings in a prominent place in the building within 7 days of receiving any court documents commencing the proceedings, and causing the notice to remain so displayed for at least 7 consecutive days;
- (b) in the case of proceedings by the corporation, by displaying a notice

containing the particulars of the proceedings in a prominent place in the building within 7 days of issuing any court documents commencing the proceedings, and causing the notice to remain so displayed for at least 7 consecutive days."."

14 By deleting paragraph (a) and substituting -

"(a) in subsection (1), by repealing everything after

"every 12 months," and substituting -

"financial statements which -

(a) shall be signed by -

(i) the chairman of the management committee;

and

(ii) the secretary or the treasurer of the

management committee;

(b) if subsection (1A) is applicable, shall be audited under that subsection; and

(c) together with the accountant's

report made under subsection (1A), if any, shall be laid before the corporation at the annual general meeting of the corporation convened in accordance with paragraph 1(1) of Schedule 3." ;".

14(c) In subparagraph (ii), by deleting the full stop and substituting a semicolon.

14 By adding -

"(d) in subsection (2), by repealing "an authorized officer," ;

(e) in subsection (4), by adding "the inspection of any documents referred to in such accounts and records," after "records)," .".

New By adding -

"14A. Insurance policy to be made available by management committee for inspection

Section 28 is amended -

(a) in subsection (1), by repealing "an authorized officer," ;

(b) in subsection (2), by repealing "or an authorized officer";

(c) in subsection (3) -

(i) by repealing "or an authorized officer";

(ii) by repealing "or that officer".

15 In the proposed section 29A(1), by adding "and in a reasonable manner" after "in good faith".

New By adding -

**"15A. Appointment of administrator
by the tribunal**

Section 31(1)(d) is amended by repealing "or an authorized officer".

16 By adding -

"(aa) by repealing the definition of "owners' committee" and substituting -

"owners' committee" (業主委員會), in relation to a building, means the committee of owners (howsoever named) formed under or in accordance with the deed of mutual covenant in respect of the building.";

New By adding -

"17A. Secretary to maintain register

Section 38(4) is amended by repealing "an authorized officer,".

17B. Powers of Authority or authorized officer

Section 40A is amended -

(a) in the heading, by repealing "**or authorized officer**";

(b) in subsection (1) -

(i) by repealing "or an authorized officer";

(ii) in paragraph (c), by repealing "or authorized officer";

(c) in subsection (2), by repealing "or an authorized officer".

19(a) In the proposed section 40C(3), in the Chinese text, by deleting "多數票" and substituting "過半數票".

19(c) In the proposed section 40C(4), by deleting "any person referred to in section 3(1)(a) or (b)" and substituting "the person referred to in section 3(1)(a) or (b) (if any)".

19(d) (a) By deleting the proposed section 40C(5)(b) and substituting -

"(b) the resolutions that are to be proposed at the meeting and are related only to the appointment of a management committee, the incorporation of the owners and the appointment of a building management agent.".

(b) By deleting the proposed section 40C(11)(b) and (c) and substituting -

"(b) the instrument appointing a proxy shall be lodged with the convenor at least 48 hours before the time for the holding of the meeting;

(c) the instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs (a) and (b);

(d) a proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting; and

(e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall -

(i) acknowledge receipt of the instrument by leaving a receipt at the flat of the

owner who made the instrument, or depositing the receipt in the letter box for that flat, before the time for the holding of the meeting;

- (ii) determine the validity of the instrument in accordance with paragraph (c); and
- (iii) display information of the owner's address in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting."

(c) By adding -

"(12) Subject to subsection (13), the convenor shall keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least 12 months after the conclusion of the meeting.

(13) Where a management committee or building management agent is appointed at a meeting of owners convened under this section -

- (a) the convenor shall deliver to the management committee or building management agent, as the case may be, immediately after the conclusion of the

meeting all the instruments for the appointment of proxies that have been lodged with him; and

- (b) the management committee or building management agent, as the case may be, shall keep the instruments for a period of at least 12 months after the conclusion of the meeting.

(14) Subject to subsection (15), where a meeting of owners convened under this section is adjourned, subsections (4), (5), (6), (7), (8), (9), (10), (11), (12) and (13) shall apply to the adjourned meeting as they apply to the original meeting.

(15) Where a meeting of owners convened under this section is adjourned, a valid instrument appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned meeting unless -

- (a) contrary intention is shown on the instrument;
- (b) the instrument is revoked; or
- (c) the instrument is replaced by a new instrument appointing a proxy."

New By adding -

"19A. Section added

The following is added -

"40E. Delegation by Authority

The Authority may authorize in writing any public officer to exercise any powers and perform any duties conferred or imposed by this Ordinance on the Authority."."

22 In the proposed Schedule 1A -

(a) by deleting "Schs. 3 & 8]" and substituting "Sch. 3]";

(b) in the heading of Form 1, by deleting "OR PARAGRAPH 8 OF SCHEDULE 8 TO".

23 By adding -

"(ca) by adding -

"1B. Subject to paragraph 1, the number of persons of a management committee may be changed from time to time by a resolution of the owners passed at a general meeting of the corporation (except a general meeting of the corporation convened under paragraph 6A(1)).";".

23(d) (a) In subparagraph (i), by deleting the proposed paragraph 2(1) and substituting -

"(1) At a meeting of owners convened under section 3, 3A, 4 or 40C, after a management committee is appointed -

(a) subject to subparagraphs (1A) and (2), the owners shall, by a resolution passed by a majority of the votes of the owners, appoint, from amongst the owners, the members of the management committee;

(b) subject to subparagraph (2A), the owners shall, by a resolution passed by a majority of the votes of the owners -

(i) appoint a person, from amongst the members of the management committee, as the chairman of the management committee;

(ii) appoint a person, whether or not he is a member of the management committee, as the secretary of the management committee; and

(iii) appoint a person, whether or

not he is a member of the management committee, as the treasurer of the management committee; and

(c) subject to subparagraph (2A), the owners may, by a resolution passed by a majority of the votes of the owners, appoint a person, from amongst the members of the management committee, as the vice-chairman of the management committee."

(b) By adding -

"(ia) by adding -

"(1A) For the purposes of appointing the members of a management committee under subparagraph (1)(a) -

(a) where the number of candidates is not more than the number of members of the management committee to be appointed, the candidates shall be deemed to be appointed as members of the management committee, and a resolution to that effect shall be deemed to be passed

under subparagraph (1)(a)

accordingly;

(b) where there are more candidates than the number of members of the management committee to be appointed -

(i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the "first past the post" system of voting), under which -

(A) an owner may vote for not more than the number of members of the management committee to be appointed; and

(B) the candidates to be appointed as members of the management committee are those who obtain the greatest number of votes and then the next greatest and so on until the required number of members of the management committee is appointed;

(ii) if, after the counting is finished, a member of the management committee is still to be appointed and the most successful

candidates remaining have an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed as a member of the management committee." ;".

(c) In subparagraph (ii) -

(i) by adding -

"(2A) For the purposes of appointing the chairman, vice-chairman (if applicable), secretary and treasurer of a management committee under subparagraph (1)(b) and (c) -

(a) where there is only one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the management committee, the

candidate shall be deemed to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (1)(b) or (c), as the case may be, accordingly;

(b) where there is more than one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the management committee -

(i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the "first past the post" system of voting), under

which the candidate to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the management committee is the candidate who obtains the greatest number of votes;

- (ii) if, after the counting is finished, the most successful candidates for the office of the chairman, vice-chairman, secretary or treasurer of the management committee have an equal number of votes, the person who presides at the meeting shall determine the result

by drawing lots, and
the candidate on whom
the lot falls is to
be appointed as the
chairman, vice-
chairman, secretary
or treasurer, as the
case may be, of the
management
committee.";

- (ii) in the proposed paragraph 2(3), by deleting "subparagraph (1)(c) or (d)" and substituting "subparagraph (1)(b)(ii) or (iii)";
- (iii) in the proposed paragraph 2(4)(a), by deleting "section 3(8), (9) and (10)" and substituting "section 3(7), (8), (9), (10), (11), (12), (13) and (14)";
- (iv) in the proposed paragraph 2(4)(b), by deleting "section 3A(3F), (3G) and (3H)" and substituting "section 3A(3E), (3F), (3G), (3H), (3I), (3J), (3K) and (3L)";
- (v) in the proposed paragraph 2(4)(c), by deleting "section 4(10), (11) and (12)" and substituting "section 4(9), (10), (11), (12),

(13), (14), (15) and (16)";

(vi) in the proposed paragraph 2(4)(d), by deleting "section 40C(9), (10) and (11)" and substituting "section 40C(8), (9), (10), (11), (12), (13), (14) and (15)".

23(f) (a) In subparagraph (i) -

(i) in the proposed paragraph 4(1), by deleting "paragraphs 2(1)(a) and 5(2)(a)" and substituting "section 14(2) and paragraphs 2(1)(a), 5(2)(a), 6 and 6A";

(ii) in the proposed paragraph 4(1)(a), in the English text, by deleting "the person's creditors" and substituting "his creditors";

(iii) in the proposed paragraph 4(1)(b), by adding "in Hong Kong or any other place" after "an offence".

(b) By deleting subparagraph (ii) and substituting -

"(ii) in subparagraph (2) -

(A) in sub-subparagraph (d), by adding "or, if the office of the secretary is vacant, the chairman of the management committee" after "committee";

(B) in sub-subparagraph (e), by repealing ", or

ceases to be qualified to be a member according to the deed of mutual covenant (if any), as the case may be";

(c) In subparagraph (iii) -

(i) in the proposed paragraph 4(3), by deleting "paragraph 5(2)(a)" and substituting "section 14(2) or paragraph 2(1)(a), 5(2)(a), 6 or 6A";

(ii) by adding -

"(3A) A member of the management committee who fails to comply with subparagraph (3) shall cease to be such member.";

(iii) in the proposed paragraph 4(4), by deleting "section 7(3)(e) or".

23(g) (a) In subparagraph (ii), by deleting the proposed paragraph 5(2) and substituting -

"(2) At an annual general meeting of a corporation at which the members of the management committee retire under subparagraph (1) -

(a) subject to subparagraphs (2A) and (2B), the corporation shall, by a resolution passed at the general meeting, appoint, from amongst the owners, the members of a

new management committee;

(b) subject to subparagraph (2C), the corporation shall, by a resolution passed at the general meeting -

(i) appoint a person, from amongst the members of the new management committee, as the chairman of the new management committee;

(ii) appoint a person, whether or not he is a member of the new management committee, as the secretary of the new management committee; and

(iii) appoint a person, whether or not he is a member of the new management committee, as the treasurer of the new management committee; and

(c) subject to subparagraph (2C), the corporation may, by a resolution passed at the general meeting, appoint a person, from amongst the members of the new management committee, as the vice-

chairman of the new management
committee.".

(b) In subparagraph (iii), by deleting the proposed
paragraph 5(2A) and substituting -

"(2A) For the purposes of appointing the members of
the new management committee under subparagraph (2)(a) -

(a) where the number of candidates is not
more than the number of members of the
new management committee to be appointed,
the candidates shall be deemed to be
appointed as members of the new
management committee, and a resolution to
that effect shall be deemed to be passed
under subparagraph (2)(a) accordingly;

(b) where there are more candidates than the
number of members of the new management
committee to be appointed -

(i) the votes shall be given and
counted in accordance with the
simple or relative majority
system of voting (otherwise
known as the "first past the
post" system of voting), under
which -

(A) an owner may vote for not more than the number of members of the new management committee to be appointed; and

(B) the candidates to be appointed as members of the new management committee are those who obtain the greatest number of votes and then the next greatest and so on until the required number of members of the new management committee is appointed;

(ii) if, after the counting is finished, a member of the new management committee is still to be appointed and the most successful candidates remaining have an equal number of votes, the person who presides at the meeting shall determine the

result by drawing lots, and the candidate on whom the lot falls is to be appointed as a member of the new management committee.

(2B) The tenants' representative appointed under section 15(1) shall be deemed to be appointed by the corporation as a member of the new management committee.

(2C) For the purposes of appointing the chairman, vice-chairman (if applicable), secretary and treasurer of the new management committee under subparagraph (2)(b) and (c) -

(a) where there is only one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the new management committee, the candidate shall be deemed to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the new management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (2)(b) or (c), as the case may be, accordingly;

(b) where there is more than one candidate

for the office of the chairman, vice-chairman, secretary or treasurer of the new management committee -

- (i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the "first past the post" system of voting), under which the candidate to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the new management committee is the candidate who obtains the greatest number of votes;
- (ii) if, after the counting is finished, the most successful candidates for the office of the chairman, vice-chairman, secretary or treasurer of the new management committee have an equal number of votes, the person who presides at the

meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the new management committee."

- (c) In subparagraph (iv), in the proposed paragraph 5(4), by deleting "subparagraph (2)(c) or (d)" and substituting "subparagraph (2)(b)(ii) or (iii)".

23 By adding -

"(ga) in paragraph 5A -

- (i) by adding "or (3A)" after "paragraph 4(2)";
- (ii) by repealing "if the secretary is not readily available, any other member" and substituting "if the office of the secretary is vacant, the chairman";

(gb) in paragraph 6 -

- (i) by repealing subparagraph (1) and substituting -

"(1) Subject to subparagraphs (1A), (3), (4) and (5) and paragraph 6A, a

vacancy in a management committee which occurs other than by reason of the expiration of the term of office may be filled by the corporation or the management committee.";

- (ii) by repealing subparagraph (1A) and substituting -

"(1A) If the vacancy is caused by the tenants' representative ceasing to be a member of the management committee for whatever reason, the vacancy may be filled by the approved association (within the meaning of section 15(2)) appointing a new tenants' representative under section 15(1).";

- (iii) by repealing subparagraphs (1B) and (2);

- (iv) by adding -

"(3) If the vacancy occurs in the office of a member of a management committee (other than a vacancy caused by the tenants' representative ceasing to be a member of the management committee) -

- (a) subject to subparagraph (7), the corporation may,

by a resolution passed at a general meeting of the corporation, appoint an owner to fill the vacancy till the next annual general meeting of the corporation at which the members of the management committee retire under paragraph 5(1); or

- (b) if no general meeting of the corporation has been so convened, the management committee may appoint an owner to fill the vacancy till the next annual general meeting of the corporation.

(4) If the vacancy occurs in the office of the chairman or vice-chairman of a management committee -

- (a) subject to subparagraph (8), the corporation may, by a resolution passed at

a general meeting of the corporation, appoint a person, from amongst the members of the management committee, to fill the vacancy till the next annual general meeting of the corporation at which the members of the management committee retire under paragraph 5(1); or

(b) if no general meeting of the corporation has been so convened, the members of the management committee may appoint a person, from amongst themselves, to fill the vacancy till the next annual general meeting of the corporation.

(5) If the vacancy occurs in the office of the secretary or treasurer of a

management committee -

- (a) subject to subparagraph (8), the corporation may, by a resolution passed at a general meeting of the corporation, appoint a person, whether or not he is a member of the management committee, to fill the vacancy till the next annual general meeting of the corporation at which the members of the management committee retire under paragraph 5(1); or
- (b) if no general meeting of the corporation has been so convened, the management committee may appoint a person, whether or not he is a member of the management committee, to fill the vacancy till

the next annual general
meeting of the
corporation.

(6) A person who is not a member of a management committee does not by virtue of his appointment as the secretary or treasurer of the management committee under subparagraph (5)(a) or (b), as the case may be, become a member of the management committee.

(7) For the purposes of filling the vacancy occurring in the office of a member of a management committee under subparagraph (3)(a) -

(a) where the number of candidates is not more than the number of members of the management committee to be appointed, the candidates shall be deemed to be appointed as members of the management committee, and a resolution to that effect

shall be deemed to be
passed under subparagraph
(3)(a) accordingly;

(b) where there are more
candidates than the number
of members of the
management committee to be
appointed -

(i) the votes shall
be given and
counted in
accordance with
the simple or
relative
majority system
of voting
(otherwise known
as the "first
past the post"
system of
voting), under
which -

(A) an owner
may vote

for not
more than
the number
of members
of the
management
committee
to be
appointed;
and

(B) the
candidates
to be
appointed
as members
of the
management
committee
are those
who obtain
the
greatest
number of
votes and

then the
next
greatest
and so on
until the
required
number of
members of
the
management
committee
is
appointed;

- (ii) if, after the
counting is
finished, a
member of the
management
committee is
still to be
appointed and
the most
successful
candidates

remaining have an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed as a member of the management committee.

(8) For the purposes of filling the vacancy occurring in the office of the chairman or vice-chairman of a management committee under subparagraph (4)(a), or the office of the secretary or treasurer of a management committee under subparagraph (5)(a) -

(a) where there is only one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the management committee, the candidate shall be deemed to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (4)(a) or (5)(a), as the case may be, accordingly;

(b) where there is more than one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the management committee -

(i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the "first past the post" system of voting), under which the candidate to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the management committee is the

candidate who
obtains the
greatest number
of votes;

- (ii) if, after the
counting is
finished, the
most successful
candidates for
the office of
the chairman,
vice-chairman,
secretary or
treasurer of the
management
committee have
an equal number
of votes, the
person who
presides at the
meeting shall
determine the
result by
drawing lots,

and the
candidate on
whom the lot
falls is to be
appointed as the
chairman, vice-
chairman,
secretary or
treasurer, as
the case may be,
of the
management
committee.";

(gc) by adding -

"6A. (1) Notwithstanding paragraphs 1 and 9,
where the number of vacancies occurring in the
offices of members of a management committee is
more than 50% of the number of persons which
constitutes the management committee at the time
when the management committee is appointed or, if
that number of persons has been changed in
accordance with paragraph 1B, 50% of the number
of persons so changed -

(a) the chairman of the management

committee may convene a general meeting of the corporation for the sole purpose of filling the vacancies in the management committee; or

- (b) if one of the vacancies occurs in the office of the chairman of the management committee, the remaining members of the management committee may appoint a person, from amongst themselves, to convene a general meeting of the corporation for the sole purpose of filling the vacancies in the management committee.

(2) For the purposes of filling the vacancies in a management committee under subparagraph

(1) -

- (a) paragraph 6(3)(a), (4)(a), (5)(a), (6), (7) and (8) shall apply as it applies where the number of vacancies occurring in the offices of members of a management committee is not more than 50% of

the number of persons which constitutes the management committee at the time when the management committee is appointed or, if that number of persons has been changed in accordance with paragraph 1B, 50% of the number of persons so changed; and

(b) Schedule 3 (except paragraph 1 of that Schedule) shall, subject to the following modifications, apply as it applies to a general meeting of the corporation convened by a management committee -

(i) where the general meeting of the corporation is convened under subparagraph (1)(a) and one of the vacancies occurs in the office of the secretary of the management committee, the references to the secretary of the

management committee in
Schedule 3 shall be
construed as references to
the chairman of the
management committee;

(ii) where the general meeting
of the corporation is
convened under
subparagraph (1)(b), the
references to the chairman
of the management
committee in Schedule 3
shall be construed as
references to the person
appointed under that
subparagraph to convene
the meeting;

(iii) where the general meeting
of the corporation is
convened under
subparagraph (1)(b) and
one of the vacancies
occurs in the office of
the secretary of the

management committee, the references to the secretary of the management committee in Schedule 3 shall be construed as references to the person appointed under that subparagraph to convene the meeting.";".

23(h) By adding before subparagraph (i) -

"(ia) in subparagraph (1)(b), by adding ", and held within 21 days of receiving such request" after "such request";".

23 By adding -

"(ha) by repealing paragraph 10(4B) and substituting -

"(4B) The secretary shall display the minutes certified in accordance with subparagraph (4A) in a prominent place in the building within 28 days of the date of the meeting of the management committee to which the minutes relate, and cause the minutes to remain so displayed for at least 7 consecutive

days." ;".

23 By deleting paragraph (j) and substituting -

"(j) in paragraph 11 -

(i) in subparagraph (1) -

(A) by repealing "Notwithstanding any provision in a deed of mutual covenant to the contrary, where" and substituting "Where";

(B) by repealing everything after "in his own right" and substituting "and paragraph 4(1), (2)(a), (b), (c), (d) and (f), (3), (3A) and (4) shall apply to the authorized representative." ;

(ii) by repealing subparagraph (2) and substituting -

"(2) If an authorized representative ceases to be a member of a management committee under paragraph 4(2)(a), (b), (c), (d) or (f) or (3A), the body corporate may appoint another authorized representative in his place, and

paragraph 4(1), (2)(a), (b), (c),
(d) and (f), (3), (3A) and (4) shall
apply to that other authorized
representative."."

24 By adding -

"(ba) in paragraph 1(2), by adding ", and hold the
general meeting within 35 days of receiving such
request" after "such request";".

24(d) In the Chinese text, by deleting subparagraph (iii) and
substituting -

"(iii) 在第(3)節中，廢除"業主投票表決，以多數票"而代以"親自投票或
委派代表投票的業主以過半數票"；".

24(e) (a) In subparagraph (iii), in the proposed paragraph 4(3),
by deleting "24 hours" and substituting "48 hours".

(b) By adding -

"(iv) by adding -

"(4) The instrument appointing a proxy is
valid only if it is made and lodged in
accordance with subparagraphs (2) and (3).

(5) Where an instrument appointing a
proxy is lodged with the secretary of the

management committee -

(a) the secretary shall -

- (i) acknowledge receipt of the instrument by leaving a receipt at the flat of the owner who made the instrument, or depositing the receipt in the letter box for that flat, before the time for the holding of the meeting; and
- (ii) display information of the owner's address in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so

displayed until the
conclusion of the
meeting; and

- (b) the chairman of the management committee or, if he is absent, the person who presides at the meeting, shall determine the validity of the instrument in accordance with subparagraph (4).

(6) The management committee shall keep all the instruments for the appointment of proxies that have been lodged with the secretary of the management committee for a period of at least 12 months after the conclusion of the meeting." ;".

24 By adding -

"(ea) by repealing paragraph 5(2) and substituting -

"(2) A proxy appointed by an owner to attend and vote on behalf of the owner at a meeting of the corporation shall, for the purposes of the meeting, be treated as being the owner present at the meeting." ;

(eb) by adding -

"5A. (1) Subject to subparagraph (2), where a meeting of the corporation convened under paragraph 1 is adjourned, paragraphs 2, 3, 4 and 5 shall apply to the adjourned meeting as they apply to the original meeting.

(2) Where a meeting of the corporation convened under paragraph 1 is adjourned, a valid instrument appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned meeting unless -

- (a) contrary intention is shown on the instrument;
- (b) the instrument is revoked; or
- (c) the instrument is replaced by a new instrument appointing a proxy."

(ec) by repealing paragraph 6(3) and substituting -

"(3) The secretary shall display the minutes certified in accordance with subparagraph (2) in a prominent place in the building within 28 days of the date of the general meeting to which the minutes relate,

and cause the minutes to remain so displayed for at least 7 consecutive days.";"

26(b) By deleting the full stop at the end and substituting a semicolon.

26 By adding -

"(c) in paragraph 5 -

- (i) by repealing "or an authorized officer";
- (ii) by repealing "or that officer"."

27 By adding -

"(ba) by adding -

"1A. The management committee shall -

- (a) at the request of not less than 5% of the owners, permit those owners or any person appointed by those owners to inspect any bills, invoices, vouchers, receipts or other documents referred to in paragraph 1 at any reasonable time; and
- (b) permit any person authorized by the court to inspect any bills,

invoices, vouchers, receipts or other documents referred to in paragraph 1 at any reasonable time.

1B. For the purposes of paragraph 1A(b), an owner may apply to the court for an order authorizing the owner, or any other person named in the application, to inspect any bills, invoices, vouchers, receipts or other documents referred to in paragraph 1.

1C. The court may make an order under paragraph 1B only if it is satisfied that -

(a) the application is made in good faith; and

(b) the inspection applied for is for a proper purpose.";

(bb) in paragraph 2, by repealing everything after "that period" and substituting ", display a copy of the summary in a prominent place in the building, and cause it to remain so displayed for at least 7 consecutive days.";

27(c) In subparagraph (ii), by deleting the full stop and substituting a semicolon.

27 By adding -

"(d) in paragraph 4 -

- (i) by repealing "or an authorized officer";
- (ii) by repealing "or that officer".

28 By adding -

"(aa) in paragraph 1(2) -

- (i) in sub-subparagraph (b), by adding ", and cause it to remain so displayed for at least 7 consecutive days" after "in the building";
- (ii) in sub-subparagraph (e), by adding ", and cause it to remain so displayed for at least 7 consecutive days" after "in the building";".

28 By deleting paragraph (b) and substituting -

"(b) in paragraph 2 -

- (i) in subparagraph (2), by repealing everything after "expenditure" and substituting "and a balance sheet in

respect of that period, display a copy of the summary and balance sheet in a prominent place in the building, and cause it to remain so displayed for at least 7 consecutive days.";

(ii) in subparagraph (3), by adding ", display a copy of the income and expenditure account and balance sheet in a prominent place in the building, and cause it to remain so displayed for at least 7 consecutive days" after "that year";

(iii) in subparagraph (6), by repealing the full stop and substituting -

"and -

(a) permit any owner, at any reasonable time, to inspect the audited income and expenditure account and balance sheet and the report made by the accountant or auditor in respect of the income and

expenditure account
and balance sheet;
and

(b) on payment of a
reasonable copying
charge, supply any
owner with a copy of
the audited income
and expenditure
account and balance
sheet, or the report
made by the
accountant or auditor
in respect of the
income and
expenditure account
and balance sheet, or
both, as requested by
the owner." ;".

28(e) By deleting the proposed paragraph 5(1) and (2) and
substituting -

"(1) Subject to subparagraphs (2) and (3), the
manager shall not enter into any contract for the

procurement of any supplies, goods or services the value of which exceeds or is likely to exceed the sum of \$200,000 or such other sum in substitution therefor as the Authority may specify by notice in the Gazette unless -

- (a) the supplies, goods or services are procured by invitation to tender; and
- (b) the procurement complies with the Code of Practice referred to in section 20A(1).

(2) Subject to subparagraph (3), the manager shall not enter into any contract for the procurement of any supplies, goods or services the value of which exceeds or is likely to exceed a sum which is equivalent to 20% of the annual budget or such other percentage in substitution therefor as the Authority may specify by notice in the Gazette unless -

- (a) if there is a corporation -
 - (i) the supplies, goods or services are procured by invitation to tender;
 - (ii) the procurement complies with the Code of Practice referred to in section 20A(1); and
 - (iii) whether a tender submitted for

the purpose is accepted or not is decided by a resolution of the owners passed at a general meeting of the corporation, and the contract is entered into with the successful tenderer;
or

(b) if there is no corporation -

- (i) the supplies, goods or services are procured by invitation to tender;
- (ii) the procurement complies with the Code of Practice referred to in section 20A(1); and
- (iii) whether a tender submitted for the purpose is accepted or not is decided by a resolution of the owners passed at a general meeting convened and conducted in accordance with the deed of mutual covenant, and the contract is entered into with the successful tenderer.

(3) Subparagraphs (1) and (2) do not apply to any

supplies, goods or services which but for this subparagraph would be required to be procured by invitation to tender (referred to in this subparagraph as "relevant supplies, goods or services") -

(a) where there is a corporation, if -

- (i) the relevant supplies, goods or services are of the same type as any supplies, goods or services which are for the time being supplied to the corporation by a supplier; and
- (ii) the corporation decides by a resolution of the owners passed at a general meeting of the corporation that the relevant supplies, goods or services shall be procured from that supplier instead of by invitation to tender; or

(b) where there is no corporation, if -

- (i) the relevant supplies, goods or services are of the same type as any supplies, goods or services which are for the time

being supplied to the owners by
a supplier; and

- (ii) the owners decide by a
resolution of the owners passed
at a general meeting convened
and conducted in accordance
with the deed of mutual
covenant that the relevant
supplies, goods or services
shall be procured from that
supplier instead of by
invitation to tender."

28(g) (a) By deleting subparagraph (i).

(b) By deleting subparagraph (ii) and substituting -

"(ii) by repealing subparagraph (1) and substituting -

"(1) Subject to subparagraph (5A), at a
general meeting convened for the purpose, a
corporation may, by a resolution -

- (a) passed by a majority of the
votes of the owners voting
either personally or by proxy;
and

- (b) supported by the owners of not

less than 50% of the shares in
aggregate,

terminate by notice the DMC manager's
appointment without compensation.";"

(c) By deleting subparagraph (v) and substituting -
"(v) by repealing subparagraph (4);".

(d) By adding -

"(via) in subparagraph (5A)(b), by repealing
"subparagraph (1)" and substituting "subparagraph
(1)(b)";

(vib) by adding -

"(5B) If a contract for the appointment
of a manager other than a DMC manager
contains no provision for the termination of
the manager's appointment, subparagraphs
(1), (2), (3) and (5A) apply to the
termination of the manager's appointment as
they apply to the termination of a DMC
manager's appointment.

(5C) Subparagraph (5B) operates without
prejudice to any other power there may be in
a contract for the appointment of a manager
other than a DMC manager to terminate the
appointment of the manager.";"

(e) By deleting subparagraph (vii).

28 By adding -

"(h) in paragraph 8 -

(i) by renumbering it as paragraph 8(2);

(ii) by adding -

"(1) Subject to subparagraph (2), if the manager's appointment ends for any reason, he shall, within 14 days of the date his appointment ends, deliver to the owners' committee (if any) or the manager appointed in his place any movable property in respect of the control, management and administration of the building that is under his control or in his custody or possession, and that belongs to the corporation (if any) or the owners.";

(iii) in subparagraph (2)(b), by repealing "管理委員會" and substituting "業主委員會";

(i) by adding -

"9. Communications among owners

The manager shall consult (either generally or in any particular case) the corporation or, if there is no corporation, the owners' committee (if any), and adopt the approach decided by the corporation or owners' committee, as the case may be, on the channels of communication among owners on any business relating to the management of the building."."

29 By adding -

"(ea) by repealing paragraph 8(a) and (b) and substituting -

"(a) the owners' committee;

(b) the manager; or

(c) an owner appointed to convene such a meeting by the owners of not less than 5% of the shares in aggregate.";"

29(f) In the proposed paragraph 9, in the English text, by deleting "or persons".

29 By adding -

"(ha) by repealing paragraph 12 and substituting -

"12. A meeting of owners shall be presided over by the chairman of the owners' committee or, if the meeting is convened under paragraph 8(b) or (c), the person convening the meeting." ;".

29 By deleting paragraph (j) and substituting -

"(j) by repealing paragraph 14 and substituting -

"14. (1) An instrument appointing a proxy shall be in writing, and -

(a) shall be signed by the owner;

or

(b) if the owner is a body

corporate, shall,

notwithstanding anything to

the contrary in its

constitution, be sealed or

stamped with the seal or stamp

of the body corporate and

signed by a person authorized

by the body corporate in that

behalf.

(2) The instrument appointing a proxy shall be lodged with the chairman of the

owners' committee or, if the meeting is convened under paragraph 8(b) or (c), the person convening the meeting at least 48 hours before the time for the holding of the meeting."."

32 By deleting paragraph (b) and substituting -

"(b) by repealing paragraph (a) and substituting -

"(a) sections 3(8), 3A(3F), 4(10) and 40C(9) and paragraphs 1(2) and 5 of Schedule 3, paragraph 1A of Schedule 6 and paragraph 11 of Schedule 8 are specified;"."

33 By adding -

"(ca) in subsection (4), by repealing "an authorized officer,";"."

33(d) By adding before subparagraph (i) -

"(ia) by repealing "or an authorized officer;"."

33 By deleting paragraph (e) and substituting -

"(e) in subsection (6) -

(i) by adding "of the management committee" after "The treasurer";

- (ii) by repealing "or an authorized officer";
- (iii) by repealing "or that officer";".

Part 4 By deleting the Part.

39 By deleting paragraph (b) and substituting -

"(b) in subsection (3) -

- (i) by repealing "多數票" and substituting
"過半數票";
- (ii) by repealing "委任" and substituting
"委出";".

40 By deleting paragraph (b) and substituting -

"(b) in subsection (4) -

- (i) by repealing "多數票" and substituting
"過半數票";
- (ii) by repealing "委任" and substituting
"委出".".

44 By deleting the clause and substituting -

"44. Change of name

Section 10(1) is amended -

- (a) by repealing "the Third Schedule" and

substituting "Schedule 3";

(b) in paragraphs (a) and (b), by repealing "多數票" and substituting "過半數票".

46 By deleting the clause and substituting -

"46. Tenants' representative

Section 15(1) is amended -

(a) by repealing "by resolution of not less than 50% of the votes" and substituting "by a resolution passed by a majority of the votes";

(b) by repealing "親自出席或委派代表出席投票" and substituting "由親自投票或委派代表投票".

49 By deleting paragraph (a).

New By adding -

"50A. Powers and duties of an administrator

Section 32(2) is amended by repealing

"determination" and substituting "termination".

51 By deleting paragraph (b) and substituting -

"(b) in subsection (2) -

(i) by repealing "the Seventh Schedule" and

substituting "Schedule 7";

(ii) by repealing "多數票" and substituting
"過半數票";".

51(c) By deleting subparagraph (ii) and substituting -

"(ii) in paragraph (b), by repealing "在業主親自出席或委派
代表出席的按照公契召開及進行的業主大會上以多數票" and
substituting "在按照公契召開和進行的業主大會上由親自投票
或委派代表投票的業主以過半數票";".

60 By deleting paragraph (d).

60 By adding -

"(e) in paragraph 10(2), by repealing "多數票" and
substituting "過半數票".".

64 By deleting paragraph (c) and substituting -

"(c) in paragraph 7(5A)(b) -
(i) by adding "in aggregate" after "the
shares" where it twice appears;
(ii) by repealing "不少於50%份數" and
substituting "份數不少於50%".".

65 By deleting the clause and substituting -

"65. Terms added if consistent with deed of mutual covenant

The Eighth Schedule is amended, in paragraph 11A(b), by adding "in aggregate" after "the shares".

66 By deleting the clause and substituting -

"66. Enumeration of owners

Schedule 11 is amended, in paragraph (b), in column 2 of item 1, by repealing "共有人" and substituting "共同擁有人".