

**Extract from minutes of Meeting between Legislative Council Members
and Eastern District Council Members
on Thursday, 12 March 2009, at 10:45 am
in the Chamber of the Legislative Council Building**

Members present : Hon Audrey EU Yuet-mee, SC, JP (Convenor)
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Tanya CHAN
Hon CHEUNG Kwok-che
Hon Mrs Regina IP LAU Suk-ye, GBS, IP
Hon Paul TSE Wai-chun

Attendance by invitation : **Members of Eastern District Council**

Ms Christina TING Yuk-chee, SBS, JP (Chairman)
Ms CHAN Oi-kwan, MH
Mr CHIU Chi-keung
Mr Andrew CHIU Ka-yin
Mr CHUNG Shu-kun, MH, JP
Mr Alex FU Yuen-cheung
Mr HUI Ka-hoo, MH
Mr IP Chiu-shing, MH
Mr KONG Chack-ho, MH
Mr KUNG Pak-cheung
Mr Aron KWOK Wai-keung
Ms LAM Chui-lin
Mr LEUNG Chi-kong
Mr David LEUNG Kwok-hung
Mr Patrick LEUNG Siu-sun
Ms Joanna LEUNG Suk-ching
Ms LO Tip-chun, MH
Mr Frankie LO Wing-kwan, MH
Mr LUI Chi-man
Mr NGAN Choi-chik
Mr NGAN Chun-lim
Mr SHIU Ka-fai
Mr Eddie TING Kong-ho
Mr TO Boon-man
Mr TSANG Heung-kwan
Mr TSO Hon-kwong
Mr WONG Kin-hing
Mr WONG Kin-pan
Ms WONG Yuet-mui
Mr YEUNG Wai-sing, MH

Staff in attendance : Miss Mary SO
Chief Council Secretary (2) 5

Ms Maisie LAM
Senior Council Secretary (2) 7

Miss Karen LAI
Council Secretary (2) 2

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IV. Role of the Home Affairs Department in building management

13. Mr TING Kong-ho said that the Home Affairs Department (HAD) should play a more active role in resolving disputes between owners and Owners Corporations (OCs), instead of advising owners to seek legal help on their own or bring their cases to the Lands Tribunals for adjudication. Mr TING pointed out that section 40A of the Building Management Ordinance (Cap. 344) (BMO) conferred the Secretary for Home Affairs or his authorised officer, for the purpose of ascertaining the manner in which a building, was being controlled, managed or administered, to, amongst others, require a corporation or any person managing the building to furnish him with such information in the possession of the corporation or that person, as the case might be, inspect the books or records of account and other records; and inspect any other documents or records kept by a corporation in relation to any of its functions, duties or powers. To better enable HAD to carry out an effective role in building management affairs, Mr TING said that the Administration should allocate additional resources to HAD for providing legal service to building owners and OCs. Mr WONG Kin-pan expressed a similar view, and suggested that HAD should appoint full-time legal adviser(s) to serve on the District Building Management Liaison Teams set up in the 18 District Offices to provide comprehensive service on building management.

14. Mr LO Wing-kwan, Mr LEUNG Kwok-hung and Mr CHIU Ka-yin pointed out that the support and assistance provided by HAD to OCs were far from adequate. A case in point was that HAD often only dispatched junior staff, i.e. Liaison Officers, who were not well versed in BMO, to attend owners' meetings. Ms LO Tip-chun and Mr FU Yuen-cheung also said that HAD should not wash their hands off in assisting owners of private buildings in dealing with building management matters after helping them to form OCs.

15. Hon Mrs Regina IP shared EDC members' views about the lack of support and assistance provided by HAD to owners of private buildings. To rectify the situation, HAD should explore various means, such as engaging the assistance of

the Law Society of Hong Kong, to better help owners of private buildings to manage and maintain their properties.

16. Hon Paul TSE suggested the following measures to better help owners of private buildings on building management issues -

- (a) a dedicated office should be set up under HAD for providing assistance to OCs and owners of private buildings, including legal advice;
- (b) HAD staff assigned to assist owners and OCs in building management should be provided with adequate training on the understanding of BMO provisions; and
- (c) in the long run, consideration could be given to requiring developers of private buildings to set aside a fund for use by future OCs to cover legal costs pertaining to building management issues before they sold off their properties and/or requiring property management companies to set aside a sum for the same by way of legislation.

17. The Convenor said that apart from providing legal advice on BMO to owners and OCs, HAD should explore making more use of arbitration in resolving disputes among owners, OCs and management companies.

18. Prof Hon Patrick LAU said that another way for OCs to get professional advice on building management issues was to hire experienced and reputable property management companies.

19. Ms LAM Chui-lin said that to ensure the high quality of services provided by property management companies, a mandatory licensing scheme should be introduced. Ms LAM further said that as many OC members had full-time jobs, the operating hours of all 18 HAD District Offices should be extended to the evening and open on Saturdays and Sundays.

20. Mr KONG Chack-ho said that residents of Civil Servants' Cooperative Buildings were not eligible to apply financial assistance from the Government in carrying out works for improving the safety of their buildings, as they were technically not the owners because the deeds of mutual covenant of these buildings were still held by the Government. Mr KONG urged LegCo Members to follow up this matter with the Administration.

21. The Convenor suggested and Members agreed to refer the views/suggestions of EDC members to the Panel on Home Affairs for consideration.