

DRAFT

BUILDING MANAGEMENT (AMENDMENT) BILL 2000
COMMITTEE STAGE

Amendments to be moved by the Honorable

- | <u>Clause</u> | <u>Amendments proposed</u> |
|---------------|---|
| 3 | <p>(a) By deleting paragraph (a) and substituting - “(a) in subsection (2) - (i) by repealing “At” and substituting “Subject to subsection (3), at”; (ii) in paragraph (b), by repealing “the owners of not less than 50% of the shares” and substituting “not less than 30% of the owners”.”.</p> |
| New | <p>By adding- “3A. Appointment of Management Committee after application to the Authority Section 3A is amended- (a) in subsection (1), by repealing “the owners of not less than 30% of the shares” and substituting “not less than 20% of the owners; (b) in subsections (5)(a) and (b), by repealing “owners of not less than 30% of the shares” and substituting “not less 20% of the owners”.”.</p> <p>By adding- “3B. Appointment of Management Committee after the application to tribunal Section 4(1) is amended by repealing paragraph (a) and substituting- “(a) not less than 10% of the owners; or”.”.</p> |
| 4 | <p>By deleting the clause and substituting- “4. Notice of and voting at meetings</p> <p>Section 5 is amended- (a) in subsection (3)(b), by repealing “an English language</p> |

newspaper, and in a Chinese language” and substituting “a”;

(b) in subsection (5)(c), by repealing sub-paragraph (iii) and substituting-

“(iii) if no appointment has been made under sub-paragraph (i) or (ii) either personally or by proxy by one co-owner, provided that if more than one proxy is appointed, the co-owner whose name stands first in relation to that share in the register kept at the Land Registry shall be treated as the only valid appointment.”;

(c) by adding-

“(7) For the purpose of convening a meeting under section 3, 3A or 4, each flat shall be deemed to be owned by one owner provided that-

- (a) if there are two or more co-owners for a flat, all the co-owners shall be treated as one owner;
- (b) an owner owning more than one flat shall be treated as x owners whereas x is equivalent to the number of flats owned by the owner;
- (c) a person holding x number of proxies shall be treated as x number of owners;
- (d) a developer or its agents holding unsold flats shall be treated as one owner.”.

New

By adding-

“7A. Common parts

Section 34I is amended by adding-

“(3) Any undivided shares allocated to the common parts of a building shall not carry any voting rights or liability to pay fees under a deed of mutual covenant; and, such undivided shares shall not be taken into account for the purpose of calculating the quorum of any meeting.”.

New

By adding-

7B Section added

The following is added

“Section 34M. Amendment of the deeds of mutual Covenant

- (1) Owners of not less than 50% of the shares may apply to the Authority to vary or amend provisions of a deed of mutual covenant.
- (2) Subject to the proposed variation or amendment being just and fair in all circumstances and after making public inquiry or consultation with the owners, the Authority shall issue a certificate certifying that the proposed variation or amendment is just and fair.
- (3) Upon the issuance of a certificate under subsection (2), owners of not less than 50% of the shares can apply to the tribunal for an order that provisions of the deed of mutual covenant be varied or amended.
- (4) Subject to subsection (5), the tribunal may order that the provisions of the deed of mutual covenant be varied or amended.
- (5) No order shall be made unless it is just and fair in all circumstances.

New

By adding-

“13A. Composition and procedure of Management Committee

The Second Schedule is amended -

- (a) in paragraph 3, by adding “and the holders of office” after “the members”;
- (b) in paragraph 5(1), by adding “and the holders of office” after “all members”;
- (c) in paragraph 5(2)(c), by repealing “if the office of secretary of the management committee is vacant”;
- (d) in paragraph 5(2)(d), by repealing “if the office of treasurer of the management committee is vacant”.”.

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By deleting clause 15 and substituting-

“15. Mandatory terms in deeds of mutual covenant

The Seventh Schedule is amended-

- (a) in the square brackets by adding “, 40D” after “34J”;
- (b) in paragraph 7(1), by deleting “50%” and substituting “30%”.”.