

香港地產建設商會的信頭

Letterhead of THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG
KONG

16 May 2000

By fax and by hand delivery

Mr. D. H. T. Lan, JP
Secretary for Home Affairs
Home Affairs Bureau
31/F Southorn Centre
130 Hennessy Road
Wanchai
Hong Kong

Building Management (Amendment) Bill

Thank you very much for meeting with us yesterday to listen to our concerns on the captioned Bill.

These concerns have actually been raised with your Bureau in our letter of 20 March and again voiced at the Bills Committee meeting at LegCo on 6 April. I believe Members of the Bills Committee were generally sympathetic with our worry that Clause 3(b) of the Amendment Bill, which allows the formation of Owners' Corporation prior to the full completion of a phased development, may lead to a minority group of owners making decisions that could affect the long-term design, planning and implementation of a project that is constructed in phases. I remember that the Administration had agreed at the time to explore solutions to prevent this from happening.

In this regard, we are pleased that a solution was identified at yesterday's meeting which I have recapped as follows:

Large estates under construction and planned to be completed in phases are not to be governed by Clause 3(b) of the Amendment Bill, which enables an Owners' Corporation to be formed as soon as a Management Committee is appointed, and this appointment can be made with a quorum of not less than 10% of the owners.

For these large estates under construction, owners should be allowed to form Owners' Corporations as governed under the existing Building Management Ordinance Cap.344. Clause 3(b) will only apply upon the completion of the whole project, i.e., upon the issuance of the Certificate of Compliance.

We would be most appreciative if you would consider the above proposed solution which we believe will strike a fair balance in the circumstances, and write it into committee stage amendments before the second reading of the Bill is resumed.

Yours sincerely

Stewart Leung
Vice Chairman
Executive Committee

c.c. The Honourable Chan Kam Lam, Chairman of Bills Committee