

本局檔號 OUR REF. : S/F(3) in HAB/CR/8/10/12 Pt.10
來函檔號 YOUR REF. :
電話號碼 TEL.NO. : 2835 1485
圖文傳真 FAXLINE : 2591 6002

23 June 2000

Miss Mary So
Clerk to House Committee, Legislative Council
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Miss So,

Building Management (Amendment) Bill 2000

At the Legislative Council meeting on 22 June 2000, during the Committee Stage to discuss the Building Management (Amendment) Bill 2000, Members requested a short note concerning the consequences of voting on the CSAs to amend clause 3 of the Bill for Members' consideration at today's House Committee. A short note for this purpose is attached for your further action please.

Yours sincerely,

(Edward Chu)
for Secretary for Home Affairs

c.c.	DHA	(Attn: Mr Chris Williams,	2574 8638
		Mr Yu Wai-man,	2147 0984
		Mr Ma Kam-ki)	2147 0984
	D of J	(Attn: Mr J D Scott,	2869 1302
		Ms Grace Chan,	2136 8277
		Mr J Daw)	2869 0720

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來函檔號 YOUR REF. :
電話號碼 TEL.NO. : 2835 1168
圖文傳真 FAXLINE : 2591 1605

23 June 2000

Mrs. Rita Fan
President, Legislative Council
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear ,

**Building Management (Amendment) Bill 2000
Notice of Resumption of Committee Stage**

When the Secretary for Home Affairs (SHA) moved for adjournment of the Committee Stage discussion of the Building Management (Amendment) Bill 2000 under Rule 40(4) at the Legislative Council sitting on 22 June, he indicated that he intended to resume the discussion of the Bill at the next Council sitting commencing on 26 June 2000. In accordance with Rule 40(7), I enclose a notice of resumption to the Clerk of the Legislative Council signed by Mr. Lan.

In view of the special circumstances leading to SHA's motion for adjournment, I would be very grateful if you could exercise your discretionary authority under Rule 40(7) and agree to dispense with the five clear days notice requirement.

Furthermore, as Members have not been availed of the opportunity to vote on the remaining part of the Committee Stage amendments to clause 3, SHA intends to move these amendments when the Council resumes the discussion of the Bill next week. I attach a notice of these remaining CSAs to clause 3 signed by Mr. Lan and a clean copy of the amendments (i.e. without the parts already disapproved by Members) for the Clerk's further action. I would be grateful for your kind agreement to dispense with the 7 clear days notice required under Rule 57(2) because of the extenuating circumstances.

Yours ever,

(Mrs. Betty Fung)
for Secretary for Home Affairs

c.c. Director of Administration (Attn.: Mr. Jacky Lum)
 Secretary for Justice (Attn.: Mr. Jonathan Daw)

致 : 立法會秘書 (傳真號碼: 2810 1691)
To : Clerk to Legislative Council (Fax No. : 2810 1691)

立法會
恢復全體委員會審議階段
LEGISLATIVE COUNCIL
RESUMPTION OF COMMITTEE STAGE

2000 年建築物管理(修訂)條例草案
Building Management (Amendment) Bill 2000

I hereby give notice that I intend to resume the Committee Stage proceeding of the Building Management (Amendment) Bill 2000 on 26 June 2000.

簽署
Signature : _____

姓名
Name : Mr. David H.T. Lan

職位名稱
Post title : Secretary for Home Affairs

日期
Date : 23.6.2000

c.c. Director of Administration
Department of Justice

致 : 立法會秘書 (傳真號碼: 2810 1691)
To : Clerk to Legislative Council (Fax No. : 2810 1691)

立法會

LEGISLATIVE COUNCIL

全體委員會審議階段修正案預告

Notice of COMMITTEE STAGE AMENDMENTS

謹按照《議事規則》第 57(2)條作出預告，本人擬於 2000 年 6 月 26 日舉行的立法會會議，在下列法案的全體委員會審議階段動議附件所列的修正案：

In accordance with Rule 57(2) of the Rules of Procedure, I hereby give notice of my intention to move the attached amendments(s) to the following bill at its Committee Stage at the Legislative Council meeting of 21 June 2000:

2000 年建築物管理(修訂)條例草案
Building Management (Amendment) Bill 2000

簽署
Signature : _____

姓名
Name : Mr. David H.T. Lan

職位名稱
Post title : Secretary for Home Affairs

日期
Date : 23.6.2000

c.c. Director of Administration
Department of Justice

《2000年建築物管理(修訂)條例草案》

委員會審議階段

由民政事務局局長動議的修正案

條次

建議修正案

- 3 (a) 在(a)段之前加入 —
- “(aa) 在第(1)款中，在“委任”之前加入 —
- “除根據第(3)款召開的會議外，”；”。
- (b) 在(a)段中，刪去在“中”之後的所有字句而代以 —
- “ —
- (i) 在“根據”之前加入“除第(3)款另有規定外，”；
- (ii) 在(b)段中，廢除”50%”而代以”30%”；”。
- (c) 在(b)段中 —
- (i) 加入 —
- “(4) 就第(3)款而言 —
- (a) “業主人數10%”(10%

of the owners) —
詞 —

(i) 指業主
的人數
的
10%，而
無須理
會他們
在建築
物的總
分割份
數中的
擁有權
的百分
率；而

(ii) 並非指
總共擁
有 達
10% 份
數的業
主；

(b) 第(1)(c)款不適
用於根據第(3)
款舉行的會
議，而 —

(i) 該等會

議可由
不少於
業主人
數 10%
的業主
召開；

(ii) 根據第
(i)節召
開會議
的 通
知，可
由各召
集人所
指派的
一名業
主 送
達。

(5) 凡在根據第(3)款召開
的業主會議上，通過決議委任管理委員
會，則該委員會委員須以擁有份數的業
主親自出席所投或委派代表出席所投
的多數票通過的決議委任。”。

BUILDING MANAGEMENT (AMENDMENT) BILL 2000

COMMITTEE STAGE

Amendments to be moved by the Secretary for Home Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
3	<p>(a) By adding before paragraph (a) -</p> <p>“(aa) in subsection (1), by repealing “A” and substituting -</p> <p>“Except in the case of a meeting to be convened under subsection (3), a”;</p> <p>b) In paragraph (a), by deleting everything after “(2)” and substituting -</p> <p>“-</p> <p>(i) by repealing “At” and substituting “Subject to subsection (3), at”;</p> <p>(ii) in paragraph (b), by repealing “50%” and substituting “30%”;</p> <p>(c) In paragraph (b) -</p> <p>(i) by adding -</p> <p>“(4) For the purposes of subsection (3) -</p> <p>(a) the expression “10% of the owners” (業主人數 10%) -</p> <p>(i) means 10% of</p>

the number
of persons
who are
owners
without
regard to
their
ownership of
any particular
percentage of
the total
number of
shares into
which the
building is
divided; and

(ii) does not
mean the
owners of
10% of the
shares;

(b) subsection (1) (c) shall
not apply to a meeting
to be held under
subsection (3) and for
any such meeting -

(i) the meeting
may be

convened by
not less than
10% of the
owners;

(ii) notice of a
meeting
convened
under
subparagraph
may be
served by an
owner
nominated by
the
convenors.

(5) Where a meeting of owners convened under subsection (3) has passed a resolution to appoint a management committee, the members of the management committee are to be appointed by a resolution passed by a majority of the votes of the owners of the shares voting either personally or by proxy.”.