

立法會
Legislative Council

LC Paper No. CB(2)2015/04-05
(These minutes have been
seen by the Administration)

Ref : CB2/BC/8/04

**Bills Committee on
Building Management (Amendment) Bill 2005**

**Minutes of meeting
held on Thursday, 2 June 2005 at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon Albert HO Chun-yan
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon LI Kwok-ying, MH
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
- Members absent** : Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man
- Public Officers attending** : Item II
Department of Home Affairs
Mr Isaac CHOW
Acting Director of Home Affairs

Mrs Angelina CHEUNG
Assistant Director of Home Affairs (4)

Department of Justice

Mr Michael LAM
Senior Government Counsel

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Ms Joanne MAK
Senior Council Secretary (2)2

Action

I. Confirmation of minutes
[LC Paper No. CB(2)1707/04-05]

The minutes of the last meeting held on 17 May 2005 were confirmed.

II. Meeting with the Administration
[LC Paper Nos. CB(2)1550/04-05(03), CB(2)1709/04-05(01) to (04),
CB(2)1726/04-05(01) and CB(2)1762/04-05(01)]

2. The Bills Committee deliberated (Index of proceedings at **Annex**).

Admin 3. The Administration was requested to provide information and response to the following issues raised by members –

Formation of owners' corporations (OCs) in house developments

(a) to explain why owners of small house developments (丁屋羣) and Fontana Gardens (“豪園”) in Causeway Bay, despite not being co-owners of the respective developments, had been approved to form OCs, and provide details of other examples, if any;

(b) to provide information and data on –

Action

- (i) an overview of the house developments which had intended to form OCs but could not do so due to the requirement of determining owners' shares on the basis of undivided shares under section 39 of the Building Management Ordinance (BMO);
 - (ii) the numbers and nature of disputes relating to building management which had occurred in these house developments; and
 - (iii) actions taken by the Administration in following up these disputes;
- (c) to consider a suggestion that provided that the owners of a house development shared the ownership of a common facility, e.g. the club house, the owners would be deemed as possessing undivided shares and BMO would therefore be applicable to the house development;
 - (d) to consider a suggestion that the Secretary for Home Affairs should be empowered to apply to the Court for order of formation of OCs in any house developments;
 - (e) alongside the scrutiny of this Bill, to commence study on the legal problems pertaining to the incorporation of owners of house development and in this connection, put up legislative proposals as soon as possible, as undertaken by the Administration at this meeting;

Allocation of manpower resources for building management duties in districts

- (f) to explain the basis on which the manpower resources for building management duties in districts was allocated;
- (g) to provide information on the establishment of Community Organisers in each district;

Complaint cases relating to building management handled by the Complaints Division of the Legislative Council Secretariat

- (h) to explain the extent to which the problems as reflected by these complaint cases would be addressed by the provisions of the Bill and which of them would not be addressed by the Bill;

Action

Appointment of proxy

- (i) to consider a suggestion that the proposed proxy form (under clause 22 of the Bill) be amended in such a way that it could be specified in the form how the proxy was to vote on each of the resolutions;
- (j) to consider whether an authorisation letter issued by a legal practitioner appointed by an owner would also be acceptable other than the proposed proxy form; and
- (k) to address the concern that the format of the proposed proxy form would not cater for a situation in which the owner only appointed a proxy to attend the meeting but not to vote.

III. Any other business

Date of next meeting

4. Members noted that the next meeting would be held on Tuesday, 14 June 2005 at 4:30 pm.

Meetings to meet with deputations

5. Members agreed that the meeting scheduled for 25 June would be held to meet with members of the public and representatives of District Councils. Members also agreed to hold another meeting on 30 June 2005 to meet with representatives of the professional bodies from the building management sector.

LegCo
Secretariat

6. The LegCo Secretariat was requested to produce a poster, for posting on the notice boards of District Offices, to invite members of the public to give views on the Bill and attend the meeting on 25 June 2005. The Administration was also requested to relay the message to the Area Committees.

Admin

7. There being no other business, the meeting ended at 4:30 pm.

Council Business Division 2
Legislative Council Secretariat
21 June 2005