

立法會
Legislative Council

LC Paper No. CB(2)3033/05-06
(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 Tuesday, 13 June 2006 at 10:45 am
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 CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
Hon WONG Kwok-hing, MH
Hon LI Kwok-ying, MH
Hon Alan LEONG Kah-kit, SC
Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man
- Members absent** : Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon LEUNG Kwok-hung
- Public Officers attending** : Home Affairs Department
Mr Isaac CHOW
Deputy Director of Home Affairs (2)
Mrs Angelina CHEUNG
Assistant Director of Home Affairs (4)

Department of Justice

Mr Michael LAM
Senior Government Counsel

Clerk in attendance : Ms Joanne MAK
Senior Council Secretary (2)2

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Miss Sherman WOO
Legislative Assistant (2)2

Action

I. Confirmation of minutes

[LC Paper Nos. CB(2)2365/05-06 and CB(2)2366/05-06]

The minutes of the meetings held on 11 and 18 May 2006 were confirmed.

II. Meeting with the Administration

[LC Paper Nos. CB(2)222/05-06(03) and CB(2)342/05-06(01)]

2. The Bills Committee discussed issues relating to –

- (a) jurisdiction of Lands Tribunal and failure/delay of the chairman of a management committee (MC) to convene meetings of an owners' corporation (OC) in the Administration's paper entitled "The Administration's response to views of the professional bodies in the building management sector" [LC Paper No. CB(2)222/05-06(03)]; and
- (b) appointment of an MC, protection for and qualifications of MC members, composition and procedure of MC, appointment of proxy by owners, termination of the appointment of managers, procurement by OCs and managers, setting up of funds, and accounts of corporation in the Administration's paper entitled "The Administration's response to the views of the deputations attending the meeting on 25 June 2005" [LC Paper No. CB(2)342/05-06(01)].

(Index of proceedings is at **Annex**).

Action

Jurisdiction of Lands Tribunal

Admin 3. Members in general considered that the Lands Tribunal should have exclusive jurisdiction on building management matters although it would not be necessary to pursue the issue in the current legislative exercise. At members' request, the Administration undertook to consider the issue in collaboration with the Judiciary in the context of taking forward the proposal of setting up the Building Affairs Tribunal, and revert to the Panel on Home Affairs, or the Bills Committee if possible, on progress made.

Failure/delay of an MC to convene annual general meetings of a corporation

Admin 4. The Administration was requested to confirm whether any provisions of the Building Management Ordinance (BMO) could be invoked to compel the holding of an overdue annual general meeting of an OC; and if not, to consider how to plug the loophole.

Penalties against non-compliance with existing or proposed new provisions of BMO

Admin 5. Regarding concerns raised by the Chairman and Mr Albert HO, the Administration was requested to consider –

- (a) how the proposed new provisions of BMO would be enforced in the absence of penalties provided for under the Ordinance; and
- (b) the concept of civil penalties and imposition of such penalties under BMO.

Suggestion of granting an MC the discretionary power to decide on its own that it could convene a meeting of the MC at less than seven days' notice

Admin 6. The Administration was requested to consider the following suggestions raised by Mr Albert HO –

- (a) that a mechanism should be provided for under BMO whereby an MC could authorise some of its members to form a working group responsible for handling urgent matters as well as budgetary matters which involved expenses not exceeding a stipulated amount; and
- (b) a shorter notice could be allowed for convening a meeting of an MC provided that 75% to 80% of the MC members consented that there was an urgent need to convene the meeting.

Action

Attendance of owners at meetings of an MC

7. Miss CHOY So-yuk considered that owners should be allowed to attend meetings of an MC as observers whereas Mr Albert HO considered that problems might be posed to the conduct of meetings of MC if they were made open to owners on a mandatory basis without regard to the nature of the issues to be discussed. The Administration was requested to consider the different views expressed.

Admin

III. Any other business

Date of next meeting

8. Members noted that the next meeting would be held on Tuesday, 20 June 2006 at 4:30 pm.

9. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
15 September 2006

**Proceedings of the Bills Committee on
Building Management (Amendment) Bill 2005
on Tuesday, 13 June 2006 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000840	Chairman	<u>Confirmation of minutes of meetings on 11 and 18 May 2006</u> [LC Paper Nos. CB(2)2365/05-06 and CB(2)2366/05-06]	
000841 - 005249	Chairman Admin Mr LI Kwok-ying Mr WONG Kwok-hing Ms Miriam LAU Mr Alan LEONG Mr Albert HO	<u>The Administration's response to views of the professional bodies in the building management sector</u> [LC Paper No. CB(2)222/05-06(03)] Discussion on issues relating to - – jurisdiction of Lands Tribunal; and – failure/delay of the chairman of a management committee (MC) to convene meetings of an owners' corporation (OC).	Admin to revert and give response (paras. 3 & 4 of minutes)
005250 - 015123	Chairman Admin Mr Albert HO Mr Alan LEONG Miss CHOY So-yuk	<u>The Administration's response to the views of the deputations attending the meeting on 25 June 2005</u> [LC Paper No. CB(2)342/05-06(01)] Discussion on issues relating to – – appointment of an MC; – protection for and qualifications of MC members; – composition and procedure of MC; – appointment of proxy by owners; – termination of the appointment of managers; – procurement by OCs and managers; – setting up of funds; and – accounts of corporation.	Admin to consider members' views and suggestions (paras. 5, 6 & 7 of minutes)

Time marker	Speaker	Subject	Action required
015124 - 015916	Chairman Admin Miss CHOY So-yuk	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
15 September 2006