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立法會 CB(2)3166/05-06(01)號文件  
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26 September 2006

**Complaint of Hong Kong Housing Society (HKHS)'s Management Services  
to Kai Tak Garden**

I am pleased to make a complaint to you about HKHS using the excessive authority granted to HKHS, as a property management company, under the Deed of Mutual Covenant (DMC) and the inappropriate use of the power as set out in the DMC by HKHS.

2. As you know, the formation of owners' corporations (OCs) of Kai Tak Garden is still outstanding. HKHS is Phase II flat owner and Management manager of Kai Tak Garden. Obviously, there should have conflict of interest. In fact, since 2001, Phase II flats owner had not paid the respective management fees.

3. Regarding the above outstanding management fees, I sent numerous letters to HKHS, and copied to you, to seek HKHS's explanation and their following rectification. However, HKHS disagreed with the above outstanding payments and provided deceitful and deficient allegation / explanation. In the letter dated 28.08.06, which is attached for your information, HKHS denied to provide further explanation.

4. As stipulated in Building Management Ordinance (BMO)'s Section 34G - Management Expenses of Unsold Property and the Deed of Mutual Covenant (DMC), HKHS, as Phase II flat owner should pay the respective Management Fees. Therefore, HKHS's defaulting is contrary to BMO and DMC.

5. I would like to seek your prompt efforts in resolving the inappropriate use of the manager power and the defaulting by HKHS. Would Home Affairs Bureau (HAB) please exercise the legal powers to intervene in the HKHS's management, to protect the rights of Phase I flat owners.

6. In order to strengthen the protection for property owners' rights, especial for the building without OCs, would Legislative Council please review the existing legislation of building management. A new regulatory system should be imposed to prevent illegal activities by the management managers / companies.

  
(WONG SIU WA)

c.c. (w/o)

Chairman, Panel on Home Affairs, Legislative Council - Hon Tommy CHEUNG Yu-yun, JP  
Secretary for Home Affairs, Home Affairs Bureau - Dr Patrick C.P. HO

Chairman, Hong Kong Housing Society - Mr. David C LEE

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啓德花園業主委員會 - Mr. SO (蘇肖疇先生) - 主席