

BUILDING MANAGEMENT (AMENDMENT) BILL 2005

COMMITTEE STAGE

Amendments to be moved by the Secretary for Home Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
2	<p>By deleting the clause and substituting -</p> <p>"2. Commencement</p> <p>This Ordinance shall come into operation on a day to be appointed by the Secretary for Home Affairs by notice published in the Gazette."</p>
3	<p>By adding before paragraph (a) -</p> <p>— "(aa) by repealing the definition of "authorized officer";".</p>
3(c)	<p>In the proposed definition of "member", by deleting "paragraph 2(1)(a) or 5(2)(a) of Schedule 2" and substituting "section 14(2) or paragraph 2(1)(<u>ab</u>), 5(2)(a), 6 or 6A of Schedule 2".</p>
New	<p>By adding -</p> <p>"3A. Section added</p> <p>The following is added in Part I -</p> <p>"2B. References to majority of votes</p>

For the avoidance of doubt, in determining whether a resolution is passed by a majority of the votes of owners, or members of a management committee, at a meeting convened under this Ordinance, the following shall be disregarded -

- (a) owners or members, as the case may be, who are not present at the meeting;
- (b) owners or members, as the case may be, who are present at the meeting but do not vote;
- (c) blank or invalid votes;
- (d) abstentions."."

4(b) In the proposed section 3(2)(a), in the Chinese text, by deleting "多數票" and substituting "過半數票".

- 4(c)
- (a) In the proposed section 3(3)(a), by deleting "any person referred to in subsection (1)(b)" and substituting "the person referred to in subsection (1)(b) (if any)".
 - (b) In the proposed section 3(3)(b), by deleting "any person referred to in subsection (1)(a)" and substituting "the person referred to in subsection (1)(a) (if any)".
 - (c) In the proposed section 3(3)(c), by deleting "any person

referred to in subsection (1)(a) or (b)" and substituting "the person referred to in subsection (1)(a) or (b) (if any)".

(d) By deleting the proposed section 3(4)(b) and substituting -

"(b) the resolutions that are to be proposed at the meeting and are related only to the appointment of a management committee and the incorporation of the owners."

(e) In the proposed section 3(6), by deleting everything after "building" and substituting a full stop.

(f) In the proposed section 3(10)(a)(ii), by deleting "sealed or stamped with the seal or stamp" and substituting "impressed with the seal or chop".

(eg) By deleting the proposed section 3(10)(b) and (c) and substituting -

"(b) the instrument appointing a proxy shall be lodged with the convenor at least 48 hours before the time for the holding of the meeting;

(c) the instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs (a) and (b);

(d) a proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the

meeting, be treated as being the owner present at the meeting; and

(e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall -

- (i) acknowledge receipt of the instrument by leaving a receipt at the flat of the owner who made the instrument, or depositing the receipt in the letter box for that flat, before the time for the holding of the meeting;
- (ii) determine the validity of the instrument in accordance with paragraph (c); and
- (iii) display information of the owner's ~~address~~flat in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting."

(~~f~~h) By adding -

"(11) Subject to subsection (12), the convenor shall keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least 12 months after the conclusion of the meeting.

(12) Where a management committee is appointed at a

meeting of owners convened under this section -

- (a) the convenor shall deliver to the management committee immediately after the conclusion of the meeting all the instruments for the appointment of proxies that have been lodged with him; and
- (b) the management committee shall keep the instruments for a period of at least 12 months after the conclusion of the meeting.

(13) Subject to subsection (14), where a meeting of owners convened under this section is adjourned, subsections (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) shall apply to the adjourned meeting as they apply to the original meeting.

(14) Where a meeting of owners convened under this section is adjourned, a valid instrument appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned meeting unless -

- (a) contrary intention is shown on the instrument;
- (b) the instrument is revoked; or

(c) the instrument is replaced by a new instrument appointing a proxy."

- 5(c) (a) In the proposed section 3A(3A), by deleting "any person referred to in section 3(1)(a) or (b)" and substituting "the person referred to in section 3(1)(a) or (b) (if any)".
- (b) By deleting the proposed section 3A(3B)(b) and substituting -
- "(b) the resolutions that are to be proposed at the meeting and are related only to the appointment of a management committee and the incorporation of the owners."

(c) In the proposed section 3A(3D), by deleting everything after "building" and substituting a full stop.

(d) In the proposed section 3A(3H)(a)(ii), by deleting "sealed or stamped with the seal or stamp" and substituting "impressed with the seal or chop".

- (ee) By deleting the proposed section 3A(3H)(b) and (c) and substituting -
- "(b) the instrument appointing a proxy shall be lodged with the convenor at least 48 hours before the time for the holding of the meeting;
- (c) the instrument appointing a proxy is valid only if

it is made and lodged in accordance with paragraphs (a) and (b);

(d) a proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting; and

(e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall -

- (i) acknowledge receipt of the instrument by leaving a receipt at the flat of the owner who made the instrument, or depositing the receipt in the letter box for that flat, before the time for the holding of the meeting;
- (ii) determine the validity of the instrument in accordance with paragraph (c); and
- (iii) display information of the owner's ~~address~~flat in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting."

(~~d~~f) By adding -

"(3I) Subject to subsection (3J), the convenor shall

keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least 12 months after the conclusion of the meeting.

(3J) Where a management committee is appointed at a meeting of owners convened under this section -

(a) the convenor shall deliver to the management committee immediately after the conclusion of the meeting all the instruments for the appointment of proxies that have been lodged with him; and

(b) the management committee shall keep the instruments for a period of at least 12 months after the conclusion of the meeting.

(3K) Subject to subsection (3L), where a meeting of owners convened under this section is adjourned, subsections (3A), (3B), (3C), (3D), (3E), (3F), (3G), (3H), (3I) and (3J) shall apply to the adjourned meeting as they apply to the original meeting.

(3L) Where a meeting of owners convened under this section is adjourned, a valid instrument appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned

meeting unless -

- (a) contrary intention is shown on the instrument;
- (b) the instrument is revoked; or
- (c) the instrument is replaced by a new instrument appointing a proxy."

~~5(e) By deleting the full stop and substituting a semicolon.~~

~~5 By adding—~~

~~"(f) in subsection (6), by repealing "or an authorized officer"."~~

~~6 By adding before paragraph (a)—~~

~~"(aa) in subsection (1)(b), by repealing "or an authorized officer";"~~

6(b) (a) In the proposed section 4(5), by deleting "any person referred to in section 3(1)(a) or (b)" and substituting "the person referred to in section 3(1)(a) or (b) (if any)".

(b) By deleting the proposed section 4(6)(b) and substituting -

"(b) the resolutions that are to be proposed at the meeting and are related only to the appointment of

a management committee and the incorporation of the owners."

(c) In the proposed section 4(8), by deleting everything after "building" and substituting a full stop.

(d) In the proposed section 4(12)(a)(ii), by deleting "sealed or stamped with the seal or stamp" and substituting "impressed with the seal or chop".

(ee) By deleting the proposed section 4(12)(b) and (c) and substituting -

"(b) the instrument appointing a proxy shall be lodged with the convenor at least 48 hours before the time for the holding of the meeting;

(c) the instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs (a) and (b);

(d) a proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting; and

(e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall -

(i) acknowledge receipt of the instrument by leaving a receipt at the flat of the owner who made the instrument, or

depositing the receipt in the letter box for that flat, before the time for the holding of the meeting;

- (ii) determine the validity of the instrument in accordance with paragraph (c); and
- (iii) display information of the owner's ~~address~~ flat in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting."

(~~d~~f) By adding -

"(13) Subject to subsection (14), the convenor shall keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least 12 months after the conclusion of the meeting.

(14) Where a management committee is appointed at a meeting of owners convened under this section -

- (a) the convenor shall deliver to the management committee immediately after the conclusion of the meeting all the instruments for the appointment of proxies that have been lodged with him; and

(b) the management committee shall keep the instruments for a period of at least 12 months after the conclusion of the meeting.

(15) Subject to subsection (16), where a meeting of owners convened under this section is adjourned, subsections (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14) shall apply to the adjourned meeting as they apply to the original meeting.

(16) Where a meeting of owners convened under this section is adjourned, a valid instrument appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned meeting unless -

- (a) contrary intention is shown on the instrument;
- (b) the instrument is revoked; or
- (c) the instrument is replaced by a new instrument appointing a proxy."

9(c) In the proposed section 7(3)(e), by deleting "paragraph 2(1)(a)" and substituting "paragraph 2(1)(b)".

New By adding -

"9A. Incorporation

Section 8 is amended by adding -

"(1A) The Land Registrar shall not issue a certificate of registration to more than one corporation for a building in respect of which a deed of mutual covenant is in force."."

10 By deleting the clause and substituting -

"10. Land Registrar to maintain register of corporations

Section 12 is amended -

(a) in subsection (1), by adding ", and permit any person to inspect the register at any reasonable time to ascertain, in connection with the management of buildings, the particulars of a corporation entered in the register under subsection (2)" after "corporations";

(b) in subsection (2), ~~by adding~~ -

(i) by repealing paragraph (d) and

substituting -

"(d) the name and address

of -

(i) the chairman

of the

management
committee;
(ii) the vice-
chairman (if
any) of the
management
committee;
(iii) the
secretary of
the
management
committee;
(iv) the
treasurer of
the
management
committee;
and
(v) any other
person who
is a member
of the
management
committee

but does not
fall within
the
description
of
subparagraph
(i), (ii),
(iii) or
(iv);";

(ii) by adding -

"(da) the name and address
of the insurance
company with which
the corporation has
effected a policy of
insurance under
section 28 (1) and
the period covered
by the policy of
insurance;".

New By adding -

"10A. Powers of corporation generally

Section 14 is amended by adding -

"(4) Paragraph 6 of Schedule 2 shall, with necessary modifications, apply for the purposes of appointing an owner to replace a member of the management committee by the corporation under subsection (2), as it applies for the purposes of appointing an owner to fill a vacancy in a management committee by the corporation." ".

~~10B. Tenants' representative~~

~~Section 15(2)(b) is amended by repealing "or an authorized officer".~~

- 11(a) (a) By adding - deleting subparagraph (ii) and substituting
"(ii) by repealing "secretary, treasurer and other
holders of office of the management committee
appointed in accordance with the Second Schedule"
and substituting "secretary and treasurer of the
management committee appointed under section 14(2)
or paragraph 2(1), 5(2), 6 or 6A of Schedule 2";
".
- ~~"(iii) by adding "in aggregate" before "not~~
~~exceeding";~~
- (b) By adding -
"(iii) by adding "in aggregate" before "not
exceeding";
".

13 By deleting the clause and substituting -

"13. Supplies, goods and services

Section 20A is amended -

(a) in subsection (2) -

(i) by repealing "Any" and substituting "Subject to subsection (2A), any";

(ii) in paragraph (a), by repealing "\$100,000" and substituting "\$200,000";

(iii) in paragraph (b), by repealing "as may be approved by the corporation by a resolution passed at a general meeting" and substituting "as the Authority may specify by notice in the Gazette";

(b) by adding -

"(2A) Subsection (2) does not apply to any supplies, goods or services which but for this subsection would be required to be procured by a corporation by invitation to tender (referred to in

this subsection as "relevant supplies, goods or services") if -

- (a) the relevant supplies, goods or services are of the same type as any supplies, goods or services which are for the time being supplied to the corporation by a supplier; and
- (b) the corporation decides by a resolution of the owners passed at a general meeting of the corporation that the relevant supplies, goods or services shall be procured from that supplier on such terms and conditions

as specified in the
resolution, instead
of by invitation to
tender.

(2B) Where any supplies, goods or services are required under subsection (2)(b) to be procured by invitation to tender, whether a tender submitted for the purpose is accepted or not shall be decided by a resolution of the owners passed at a general meeting of the corporation.";

(c) by repealing subsection (3);

(d) by adding -

"(5) A contract for the procurement of any supplies, goods or services shall not be void by reason only that it does not comply with subsection (1).

(6) Where any supplies, goods or services are required under subsection (2) to be procured by invitation to tender, a contract for

the procurement of the supplies,
goods or services which does not
comply with subsection (2) or (2B) -

- (a) subject to any
resolution passed by
the corporation under
paragraph (b) ~~and or~~
any order made by the
court under

subsection (7), shall
not be void by reason
only that it does not
comply with
subsection (2) or
(2B);

- (b) subject to any order
made by the court
under subsection (7),

may be avoided by the
corporation by a
resolution of the
owners passed at a
general meeting of
the corporation but

only for the reason
that it does not
comply with
subsection (2) or
(2B).

(7) In any legal proceedings in relation to a contract for the procurement of any supplies, goods or services to which subsection (2) or (2B) applies, the court may make such orders (including whether the contract is void or voidable) and give such directions in respect of the rights and obligations of the contractual parties as the court thinks fit having regard to all the circumstances of the case, including (but not limited to) the following factors -

- (a) whether the supplies, goods or services have been procured by invitation to tender;
- (b) whether a general

meeting of the corporation has been convened to consider the procurement of the supplies, goods or services;

(c) whether the Code of Practice referred to in subsection (1) has been complied with;

(d) whether the contract has been split, for the sole purpose of avoiding the compliance of the requirements in subsection (2) or (2B), from a contract which should have been made for the procurement of supplies, goods or services of greater value;

- (e) whether the supplies, goods or services were urgently required;
- (f) the progress of any activities or works in relation to the supplies, goods or services;
- (g) whether the owners have benefited from the contract;
- (h) whether the owners have incurred any financial loss due to the contract and the extent thereof;
- (i) whether the supplier of the supplies, goods or services under the contract has acted in good faith; ~~and~~
- (j) whether the supplier

of the supplies,
goods or services
under the contract
has benefited from
the contract; and

(jk) whether the supplier
of the supplies,
goods or services
under the contract
has incurred any
financial loss due to
the contract and the
extent thereof.

(8) For the purposes of
subsection (7), where the court
makes an order that the contract is
voidable at the instance of the
corporation, it shall also make an
order that a general meeting of the
corporation be convened and held in
such manner as the court thinks fit,
so as to decide whether the contract
is to be avoided.

(9) For the avoidance of doubt,

subject to section 29A, any person who enters into a contract for the procurement of any supplies, goods or services otherwise than in compliance with subsection (2) or, if applicable, subsection (2B) shall be personally liable for any claims arising from the contract."."

New By adding -

"13A. Section added

The following is added -

"26A. Management committee to display information about legal proceedings

A management committee shall notify the owners of any legal proceedings to which the corporation is a party -

- (a) in the case of proceedings against the corporation, by displaying a notice containing the particulars of the proceedings in a prominent place in the building within 7 days of receiving any court documents commencing the proceedings, and

causing the notice to remain so displayed for at least 7 consecutive days;

- (b) in the case of proceedings by the corporation, by displaying a notice containing the particulars of the proceedings in a prominent place in the building within 7 days of issuing any court documents commencing the proceedings, and causing the notice to remain so displayed for at least 7 consecutive days."."

14 By deleting paragraph (a) and substituting -

"(a) in subsection (1), by repealing everything after "every 12 months," and substituting -

"financial statements which -

(a) shall be signed by -

(i) the chairman of the management committee;

and

(ii) the secretary or the treasurer of the

management committee;

- (b) if subsection (1A) is applicable, shall be audited under that subsection; and
- (c) together with the accountant's report made under subsection (1A), if any, shall be laid before the corporation at the annual general meeting of the corporation convened in accordance with paragraph 1(1) of Schedule 3.";"

14(c) In subparagraph (ii), by deleting the full stop and substituting a semicolon.

14 By adding -

~~"(d) in subsection (2), by repealing "an authorized officer,";~~

~~(e)~~ (d) in subsection (4), by adding "the inspection of any documents referred to in such accounts and records," after "records),".".

New ~~By adding -~~

~~"14A. Insurance policy to be made~~

~~available by management
committee for inspection~~

~~Section 28 is amended~~

~~(a) in subsection (1), by repealing "an
authorized officer,";~~

~~(b) in subsection (2), by repealing "or an
authorized officer";~~

~~(c) in subsection (3)~~

~~(i) by repealing "or an authorized
officer";~~

~~(ii) by repealing "or that
officer".~~

15 In the proposed section 29A(1), by adding "and in a reasonable manner" after "in good faith".

New ~~By adding~~

~~"15A. Appointment of administrator
by the tribunal~~

~~Section 31(1)(d) is amended by repealing "or an
authorized officer".~~

16 By adding -

"(aa) by repealing the definition of "owners' committee"
and substituting -

"owners' committee" (業主委員會), in relation
to a building, means the committee of

owners (howsoever named) formed under or
in accordance with the deed of mutual
covenant in respect of the building.";".

17 By deleting the clause and substituting -

**"17. Right to establish corporation and
conduct business**

Section 34J(4)(a) is amended by repealing "Part II"
and substituting "section 3, 3A, 4 or 40C".

New ~~By adding—~~

~~—~~**"17A. Secretary to maintain register**

~~—~~Section 38(4) is amended by repealing "an
authorized officer,".

~~17B. Powers of Authority or
authorized officer~~

~~—~~Section 40A is amended—

~~(a) in the heading, by repealing "or
authorized officer";~~

~~(b) in subsection (1)—~~

~~— (i) by repealing "or an authorized
officer";~~

~~— (ii) in paragraph (c), by repealing
"or authorized officer";~~

~~(c) in subsection (2), by repealing "or an~~

~~authorized officer".~~

- 19(a) In the proposed section 40C(3), in the Chinese text, by deleting "多數票" and substituting "過半數票".
- 19(c) In the proposed section 40C(4), by deleting "any person referred to in section 3(1)(a) or (b)" and substituting "the person referred to in section 3(1)(a) or (b) (if any)".
- 19(d) (a) By deleting the proposed section 40C(5)(b) and substituting -
- "(b) the resolutions that are to be proposed at the meeting and are related only to the appointment of a management committee, the incorporation of the owners and the appointment of a building management agent."
- (b) In the proposed section 40C(7), by deleting everything after "building" and substituting a full stop.
- (c) In the proposed section 40C(11)(a)(ii), by deleting "sealed or stamped with the seal or stamp" and substituting "impressed with the seal or chop".
- (~~b~~d) By deleting the proposed section 40C(11)(b) and (c) and substituting -
- "(b) the instrument appointing a proxy shall be lodged

with the convenor at least 48 hours before the time for the holding of the meeting;

(c) the instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs (a) and (b);

(d) a proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting; and

(e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall -

(i) acknowledge receipt of the instrument by leaving a receipt at the flat of the owner who made the instrument, or depositing the receipt in the letter box for that flat, before the time for the holding of the meeting;

(ii) determine the validity of the instrument in accordance with paragraph (c); and

(iii) display information of the owner's ~~address~~-flat in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until

the conclusion of the meeting.".

(~~ee~~) By adding -

"(12) Subject to subsection (13), the convenor shall keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least 12 months after the conclusion of the meeting.

(13) Where a management committee or building management agent is appointed at a meeting of owners convened under this section -

(a) the convenor shall deliver to the management committee or building management agent, as the case may be, immediately after the conclusion of the meeting all the instruments for the appointment of proxies that have been lodged with him; and

(b) the management committee or building management agent, as the case may be, shall keep the instruments for a period of at least 12 months after the conclusion of the meeting.

(14) Subject to subsection (15), where a meeting of owners convened under this section is adjourned, subsections (4), (5), (6), (7), (8), (9), (10), (11),

(12) and (13) shall apply to the adjourned meeting as they apply to the original meeting.

(15) Where a meeting of owners convened under this section is adjourned, a valid instrument appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned meeting unless -

(a) contrary intention is shown on the instrument;

(b) the instrument is revoked; or

(c) the instrument is replaced by a new instrument appointing a proxy."

New ~~By adding~~

~~"19A. Section added~~

~~The following is added~~

~~"40E. Delegation by Authority~~

~~The Authority may authorize in writing any public officer to exercise any powers and perform any duties conferred or imposed by this Ordinance on the Authority."."~~

20 By adding before paragraph (a) -

"(aa) in subparagraph (i), by repealing "and the occupiers and owners of a building";

(ab) in subparagraph (iv), by repealing "and the
occupiers and owners of a building";

(ac) by repealing subparagraph (v);".

20(a) By adding "insolvency or" before "winding up".

20 By deleting paragraph (b) and substituting -

"(b) by adding -

"(xi) the avoidance of any arrangements,

agreements or understandings, or parts

thereof, made or reached in respect of

the liability of corporations towards

third parties;".

22 In the proposed Schedule 1A, by deleting Forms 1 and 2 and
substituting -

~~(a) by deleting "Schs. 3 & 8]" and substituting "Sch.
3]";~~

~~(b) in the heading of Form 1, by deleting "OR PARAGRAPH
8 OF SCHEDULE 8 TO".~~

"FORM 1

INSTRUMENT OF PROXY FOR MEETINGS OF OWNERS
CONVENED UNDER SECTION 3, 3A, 4 OR 40C OF
OR PARAGRAPH 8 OF SCHEDULE 8 TO THE
BUILDING MANAGEMENT ORDINANCE
(CAP. 344)

Meeting of the owners of
(description of building)

I/We,(name(s) of owner(s)),
being the owner(s) of
..... (unit and address of building),
hereby appoint(name of proxy)
*[or failing him(name of
alternative proxy)], as my/our proxy to attend and vote on
my/our behalf at the meeting of the owners of the building
described above, to be held on the day of
..... *[and at any adjournment thereof].

Dated this day of

(Signature of owner(s))

*Delete where inapplicable.

FORM 2

INSTRUMENT OF PROXY FOR MEETINGS OF CORPORATION
CONVENED UNDER PARAGRAPH 6A OF SCHEDULE 2
OR PARAGRAPH 1 OF SCHEDULE 3 TO
THE BUILDING MANAGEMENT
ORDINANCE (CAP. 344)

The Incorporated Owners of
(description of building)

I/We,(name(s) of owner(s)),
being the owner(s) of
..... (unit and address of building),
hereby appoint(name of proxy)
*[or failing him(name of
alternative proxy)], as my/our proxy to attend and vote on
my/our behalf at the [*general meeting/annual general meeting]
of The Incorporated Owners of
(description of building), to be held on the day
of *[and at any adjournment thereof].

Dated this day of

(Signature of owner(s))

*Delete where inapplicable.".

23(b) By adding "18," after "14,".

~~23~~ ~~By adding~~

~~"(ca) by adding -~~

~~"1B. Subject to paragraph 1, the number of persons of a management committee may be changed from time to time by a resolution of the owners passed at a general meeting of the corporation (except a general meeting of the corporation convened under paragraph 6A(1)).";".~~

23

By deleting paragraph (c) and substituting -

"(c) by repealing paragraph 1 and substituting -

"1. (1) The number of members of a management committee shall be as follows -

(a) where the building contains not more than 50 flats, the number of members shall be not less than 3;

(b) where the building contains more than 50 flats but not more than 100 flats, the number of members shall be not less than 7;

(c) where the building contains more than 100 flats, the number of members shall be not less

than 9.

(2) Subject to subparagraph (1), the number of members of a management committee shall be decided by a resolution of the owners under paragraph 2(1)(a).

(3) Subject to subparagraph (1), the number of members of a management committee as decided under paragraph 2(1)(a) may be changed from time to time by a resolution of the owners passed at a general meeting of the corporation (except a general meeting of the corporation convened under paragraph 6A(1)).

(4) A management committee shall include the tenants' representative (if any) appointed under section 15(1).";".

23(d) (a) In subparagraph (i), by deleting the proposed paragraph 2(1) and substituting -

"(1) At a meeting of owners convened under section 3, 3A, 4 or 40C, after a management committee is appointed -

(a) ~~subject to subparagraphs (1A) and (2), the owners shall, by a resolution passed by a majority of the votes of the owners,~~

~~appoint, from amongst the owners, the~~
~~members of the management committee;~~the
owners shall, by a resolution passed by a
majority of the votes of the owners,
decide the number of members of the
management committee;

(b) subject to subparagraph (2), the owners
shall, by resolution, appoint, from
amongst the owners, the members of the
management committee;

~~(bc) subject to subparagraph (2A), the owners~~
~~shall, by a resolution passed by a~~
~~majority of the votes of the owners--~~

(i) appoint a person, from amongst
the members of the management
committee, as the chairman of
the management committee;

(ii) appoint a person, whether or
not he is a member of the
management committee, as the
secretary of the management
committee; and

(iii) appoint a person, whether or
not he is a member of the

management committee, as the
treasurer of the management
committee; and

~~(ed)~~ ~~subject to subparagraph (2A),~~ the owners
may, by ~~a resolution passed by a majority
of the votes of the owners,~~ appoint a
person, from amongst the members of the
management committee, as the vice-
chairman of the management committee."

(b) ~~By adding~~ In subparagraph (ii) -

~~"(ia)~~ by adding -

"~~1A~~2A) For the purposes of appointing
the members of a management committee under
subparagraph (1)~~(a)~~ b -

(a) where the number of candidates
is not more than the number of
members of the management
committee to be appointed, the
candidates shall be deemed to
be appointed as members of the
management committee, and a
resolution to that effect
shall be deemed to be passed
under subparagraph (1)~~(a)~~ b

accordingly;

(b) where there are more candidates than the number of members of the management committee to be appointed -

(i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the "first past the post" system of voting), under which -

(A) an owner may vote for not more than the number of members of the management committee to be appointed; and

(B) the candidates

to be appointed
as members of
the management
committee are
those who obtain
the greatest
number of votes
and then the
next greatest
and so on until
the required
number of
members of the
management
committee is
appointed;

- (ii) if, after the
counting is finished,
a member of the
management committee
is still to be
appointed and the
most successful
candidates remaining

have an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed as a member of the management committee. " ; " .

~~(c) In subparagraph (ii)~~

~~(i) by adding~~

"(2A2B) For the purposes of appointing the chairman, vice-chairman (if applicable), secretary and treasurer of a management committee under subparagraph (1)(~~bc~~) and (~~ed~~)

-

(a) where there is only one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the management committee, the

candidate shall be deemed to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (1)(~~b~~c) or (~~e~~d), as the case may be, accordingly;

(b) where there is more than one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the management committee -

(i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the "first past the post" system of voting), under

which the candidate to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the management committee is the candidate who obtains the greatest number of votes;

- (ii) if, after the counting is finished, the most successful candidates for the office of the chairman, vice-chairman, secretary or treasurer of the management committee have an equal number of votes, the person who presides at the meeting shall determine the result

by drawing lots, and
the candidate on whom
the lot falls is to
be appointed as the
chairman, vice-
chairman, secretary
or treasurer, as the
case may be, of the
management
committee." ;

(ii) in the proposed paragraph 2(3) ~~-, by deleting~~
~~"subparagraph (1)(c) or (d)" and substituting~~
~~"subparagraph (1)(b)(ii) or (iii)";~~

(A) by deleting "subparagraph (1)(a)" and
substituting "subparagraph (1)(b)";

(B) by deleting "subparagraph (1)(c) or (d)"
and substituting "subparagraph
(1)(c)(ii) or (iii)";

(iii) in the proposed paragraph 2(4), by deleting

"subparagraph (1)" and substituting

"subparagraph (1)(b), (c) and (d)";

(iiiiv) in the proposed paragraph 2(4)(a), by

deleting "section 3(8), (9) and (10)" and

substituting "section 3(7), (8), (9), (10),

(11), (12), (13) and (14)";

(iv) in the proposed paragraph 2(4)(b), by deleting "section 3A(3F), (3G) and (3H)" and substituting "section 3A(3E), (3F), (3G), (3H), (3I), (3J), (3K) and (3L)";

(vi) in the proposed paragraph 2(4)(c), by deleting "section 4(10), (11) and (12)" and substituting "section 4(9), (10), (11), (12), (13), (14), (15) and (16)";

(vii) in the proposed paragraph 2(4)(d), by deleting "section 40C(9), (10) and (11)" and substituting "section 40C(8), (9), (10), (11), (12), (13), (14) and (15)".

23(e) By deleting "paragraph 2(1)(a)" and substituting "paragraph 2(1)(b)".

23(f) (a) In subparagraph (i) -

(i) in the proposed paragraph 4(1), by deleting "paragraphs 2(1)(a) and 5(2)(a)" and substituting "section 14(2) and paragraphs 2(1)(ab), 5(2)(a), 6 and 6A";

(ii) in the proposed paragraph 4(1)(a), in the English text, by deleting "the person's

creditors" and substituting "his creditors";

- (iii) in the proposed paragraph 4(1)(b), by adding "in Hong Kong or any other place" after "an offence".

(b) By deleting subparagraph (ii) and substituting -

"(ii) in subparagraph (2) -

(A) in sub-subparagraph (d), by adding "or, if the office of the secretary is vacant, the chairman of the management committee" after "committee";

(B) in sub-subparagraph (e), by repealing ", or ceases to be qualified to be a member according to the deed of mutual covenant (if any), as the case may be";".

(c) In subparagraph (iii) -

(i) in the proposed paragraph 4(3), ~~by deleting "paragraph 5(2)(a)" and substituting "section 14(2) or paragraph 2(1)(a), 5(2)(a), 6 or 6A";~~

(A) by deleting "paragraph 5(2)(a)" and substituting "section 14(2) or paragraph 2(1)(b), 5(2)(a), 6 or 6A";

(B) by deleting "14 days" and substituting "21 days";

(ii) by adding -

"(3A) A member of the management committee who fails to comply with subparagraph (3) shall cease to be such member.";

(iii) in the proposed paragraph 4(4), ~~by deleting "section 7(3)(e) or".~~

(A) by deleting "section 7(3)(e) or";

(B) by deleting "14 days" and substituting "21 days";

(iv) by deleting the proposed paragraph 4(5) and substituting -

"(5) The secretary of the management committee shall -

(a) after receiving a declaration by virtue of subparagraph (3) from a member of the management committee appointed under paragraph 2(1)(b), cause the declaration to be lodged with the Land Registrar within the period of 28 days referred to in section 7(1);

(b) within 28 days after receiving a declaration by virtue of

subparagraph (3) from a member
of the management committee
appointed under section 14(2)
or paragraph 5(2)(a), 6 or 6A,
or by virtue of subparagraph
(4), lodge with the Land
Registrar the declaration.".

23(g) (a) In subparagraph (ii), by deleting the proposed paragraph 5(2) and substituting -

"(2) At an annual general meeting of a corporation at which the members of the management committee retire under subparagraph (1) -

(a) subject to subparagraphs (2A) ~~and (2B)~~, the corporation shall, by a resolution passed at the general meeting, appoint, from amongst the owners, the members of a new management committee;

(b) ~~subject to subparagraph (2C)~~, the corporation shall, by a resolution passed at the general meeting -

(i) appoint a person, from amongst the members of the new management committee, as the

chairman of the new management committee;

(ii) appoint a person, whether or not he is a member of the new management committee, as the secretary of the new management committee; and

(iii) appoint a person, whether or not he is a member of the new management committee, as the treasurer of the new management committee; and

(c) ~~subject to subparagraph (2C),~~ the corporation may, by a resolution passed at the general meeting, appoint a person, from amongst the members of the new management committee, as the vice-chairman of the new management committee."

(b) In subparagraph (iii), by deleting the proposed paragraph 5(2A) and substituting -

"(2A) The tenants' representative appointed under section 15(1) shall be deemed to be appointed by the corporation as a member of the new management committee."

(2AB) For the purposes of appointing the members
of the new management committee under subparagraph

(2)(a) -

(a) where the number of candidates is not more than the number of members of the new management committee to be appointed, the candidates shall be deemed to be appointed as members of the new management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (2)(a) accordingly;

(b) where there are more candidates than the number of members of the new management committee to be appointed -

(i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the "first past the post" system of voting), under which -

(A) an owner may vote for not more than the number of members of the new

management committee to be appointed; and

(B) the candidates to be appointed as members of the new management committee are those who obtain the greatest number of votes and then the next greatest and so on until the required number of members of the new management committee is appointed;

(ii) if, after the counting is finished, a member of the new management committee is still to be appointed and the most successful candidates remaining have an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed as a member

of the new management
committee.

~~(2B) The tenants' representative appointed under
section 15(1) shall be deemed to be appointed by the
corporation as a member of the new management committee.~~

(2C) For the purposes of appointing the chairman,
vice-chairman (if applicable), secretary and treasurer
of the new management committee under subparagraph
(2)(b) and (c) -

(a) where there is only one candidate for the
office of the chairman, vice-chairman,
secretary or treasurer of the new
management committee, the candidate shall
be deemed to be appointed as the
chairman, vice-chairman, secretary or
treasurer, as the case may be, of the new
management committee, and a resolution to
that effect shall be deemed to be passed
under subparagraph (2)(b) or (c), as the
case may be, accordingly;

(b) where there is more than one candidate
for the office of the chairman, vice-
chairman, secretary or treasurer of the
new management committee -

- (i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the "first past the post" system of voting), under which the candidate to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the new management committee is the candidate who obtains the greatest number of votes;
- (ii) if, after the counting is finished, the most successful candidates for the office of the chairman, vice-chairman, secretary or treasurer of the new management committee have an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls

is to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the new management committee."

- (c) In subparagraph (iv), in the proposed paragraph 5(4), by deleting "subparagraph (2)(c) or (d)" and substituting "subparagraph (2)(b)(ii) or (iii)".

23 By adding -

"(ga) in paragraph 5A -

- (i) by adding "or (3A)" after "paragraph 4(2)";
- (ii) by repealing "if the secretary is not readily available, any other member" and substituting "if the office of the secretary is vacant, the chairman";

(gb) in paragraph 6 -

- (i) by repealing subparagraph (1) and substituting -

"(1) ~~Subject~~ Notwithstanding paragraph 1, subject to subparagraphs (1A), ~~(3), (4) and (5)~~ and paragraph 6A, a vacancy in a management committee which occurs other than by reason of the

expiration of the term of office may be filled by the corporation or the management committee under subparagraph (3), (4) or (5), as the case requires.";

- (ii) by repealing subparagraph (1A) and substituting -

"(1A) If the vacancy is caused by the tenants' representative ceasing to be a member of the management committee for whatever reason, the vacancy may be filled by the approved association (within the meaning of section 15(2)) appointing a new tenants' representative under section 15(1).";

- (iii) by repealing subparagraphs (1B) and (2);

- (iv) by adding -

"(3) If the vacancy occurs in the office of a member of a management committee (other than a vacancy caused by the tenants' representative ceasing to be a member of the management committee) -

- (a) ~~subject to subparagraph (7),~~ the corporation may, by a resolution passed at

a general meeting of the corporation, appoint an owner to fill the vacancy till the next annual general meeting of the corporation at which the members of the management committee retire under paragraph 5(1); or

(b) if no general meeting of the corporation has been so convened or no appointment is made to fill the vacancy at a general meeting so convened, the management committee may appoint an owner to fill the vacancy till the next ~~annual~~ general meeting of the corporation.

(4) If the vacancy occurs in the office of the chairman or vice-chairman of a management committee -

- (a) ~~subject to subparagraph~~
~~(8),~~ the corporation may,
by a resolution passed at
a general meeting of the
corporation, appoint a
person, from amongst the
members of the management
committee, to fill the
vacancy till the next
annual general meeting of
the corporation at which
the members of the
management committee
retire under paragraph
5(1); or
- (b) if no general meeting of
the corporation has been
so convened or no
appointment is made to
fill the vacancy at a
general meeting so
convened, the members of
the management committee
may appoint a person, from

amongst themselves, to
fill the vacancy till the
next ~~annual~~ general
meeting of the
corporation.

(5) If the vacancy occurs in the
office of the secretary or treasurer of a
management committee -

- (a) ~~subject to subparagraph~~
~~(8),~~ the corporation may,
by a resolution passed at
a general meeting of the
corporation, appoint a
person, whether or not he
is a member of the
management committee, to
fill the vacancy till the
next annual general
meeting of the corporation
at which the members of
the management committee
retire under paragraph
5(1); or
- (b) if no general meeting of

the corporation has been
so convened or no
appointment is made to
fill the vacancy at the
general meeting so
convened, the management
committee may appoint a
person, whether or not he
is a member of the
management committee, to
fill the vacancy till the
next ~~annual~~-general
meeting of the
corporation.

(6) A person who is not a member of
a management committee does not by virtue
of his appointment as the secretary or
treasurer of the management committee
under subparagraph (5)(a) or (b), as the
case may be, become a member of the
management committee.

(7) For the purposes of filling the
vacancy occurring in the office of a
member of a management committee under

subparagraph (3)(a) -

(a) where the number of candidates is not more than the number of members of the management committee to be appointed, the candidates shall be deemed to be appointed as members of the management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (3)(a) accordingly;

(b) where there are more candidates than the number of members of the management committee to be appointed -

(i) the votes shall be given and counted in accordance with the simple or

relative
majority system
of voting
(otherwise known
as the "first
past the post"
system of
voting), under
which -

(A) an owner
may vote
for not
more than
the number
of members
of the
management
committee
to be
appointed;
and

(B) the
candidates
to be

appointed
as members
of the
management
committee
are those
who obtain
the
greatest
number of
votes and
then the
next
greatest
and so on
until the
required
number of
members of
the
management
committee
is
appointed;

(ii) if, after the counting is finished, a member of the management committee is still to be appointed and the most successful candidates remaining have an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be

appointed as a
member of the
management
committee.

(8) For the purposes of filling the
vacancy occurring in the office of the
chairman or vice-chairman of a management
committee under subparagraph (4)(a), or
the office of the secretary or treasurer
of a management committee under
subparagraph (5)(a) -

(a) where there is only one
candidate for the office
of the chairman, vice-
chairman, secretary or
treasurer of the
management committee, the
candidate shall be deemed
to be appointed as the
chairman, vice-chairman,
secretary or treasurer, as
the case may be, of the
management committee, and
a resolution to that

effect shall be deemed to be passed under subparagraph (4)(a) or (5)(a), as the case may be, accordingly;

(b) where there is more than one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the management committee -

(i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the "first past the post" system of voting), under

which the
candidate to be
appointed as the
chairman, vice-
chairman,
secretary or
treasurer, as
the case may be,
of the
management
committee is the
candidate who
obtains the
greatest number
of votes;

(ii) if, after the
counting is
finished, the
most successful
candidates for
the office of
the chairman,
vice-chairman,
secretary or

treasurer of the
management
committee have
an equal number
of votes, the
person who
presides at the
meeting shall
determine the
result by
drawing lots,
and the
candidate on
whom the lot
falls is to be
appointed as the
chairman, vice-
chairman,
secretary or
treasurer, as
the case may be,
of the
management
committee." ;

(gc) by adding -

"6A. (1) Notwithstanding paragraphs 1 and 9, where the number of vacancies occurring in the offices of members of a management committee is more than 50% of the number of ~~persons which~~ members of the management committee ~~at the time when the management committee is appointed~~ as decided under paragraph 2(1)(a) or, if that number of ~~persons~~ members has been changed ~~in accordance with paragraph 1B~~ under paragraph 1(3), 50% of the number of ~~persons~~ members so changed -

- (a) the chairman of the management committee may convene a general meeting of the corporation for the sole purpose of filling the vacancies in the management committee; or
- (b) if one of the vacancies occurs in the office of the chairman of the management committee, the remaining members of the management committee may appoint a person, from amongst themselves, to convene a general

meeting of the corporation for the sole purpose of filling the vacancies in the management committee.

(2) For the purposes of filling the vacancies in a management committee under subparagraph

(1) -

(a) paragraph 6(3)(a), (4)(a), (5)(a), (6), (7) and (8) shall apply as it applies where the number of vacancies occurring in the offices of members of a management committee is not more than 50% of the number of ~~persons which~~ constitutes members of the management committee ~~at the time when the management committee is appointed~~ as decided under paragraph 2(1)(a) or, if that number of ~~persons~~ members has been changed ~~in accordance with paragraph 1B~~ under paragraph 1(3), 50% of the number of ~~persons~~ members so changed; and

(b) Schedule 3 (except paragraph 1 of that Schedule) shall, subject to the following modifications, apply as it applies to a general meeting of the corporation convened by a management committee -

(i) where the general meeting of the corporation is convened under subparagraph (1)(a) and one of the vacancies occurs in the office of the secretary of the management committee, the references to the secretary of the management committee in Schedule 3 shall be construed as references to the chairman of the management committee;

(ii) where the general meeting of the corporation is convened under

subparagraph (1)(b), the references to the chairman of the management committee in Schedule 3 shall be construed as references to the person appointed under that subparagraph to convene the meeting;

- (iii) where the general meeting of the corporation is convened under subparagraph (1)(b) and one of the vacancies occurs in the office of the secretary of the management committee, the references to the secretary of the management committee in Schedule 3 shall be construed as references to the person appointed under that subparagraph to

convene the meeting.";".

23(h) (a) By adding before subparagraph (i) -

"(ia) in subparagraph (1)(b), by adding ", and held within 21 days of receiving such request" after "such request";".

(b) In subparagraph (i), in the proposed paragraph 8(2), by adding "and (if the treasurer of the management committee is not a member of the management committee) the treasurer of the management committee" before the full stop.

(c) By deleting subparagraph (iii) and substituting -

"(iii) by repealing subparagraph (2A) and substituting -

"(2A) The notice of meeting may be given -

(a) by delivering it personally to the member of the management committee or (if the treasurer of the management committee is not a member of the management committee) the treasurer of the management committee;

(b) by sending it by post to the member or, if applicable, the treasurer, at his last known

address; or

(c) by leaving it at the flat of the member or, if applicable, the treasurer or depositing it in the letter box for that flat.";".

(d) In subparagraph (iv) -

(i) by adding "of the management committee" after "upon each member";

(ii) by adding "of the management committee and (if the treasurer of the management committee is not a member of the management committee) the treasurer of the management committee" after "to each member".

23 By adding -

"(ha) by repealing paragraph 10(4B) and substituting -

"(4B) The secretary shall display the minutes certified in accordance with subparagraph (4A) in a prominent place in the building within 28 days of the date of the meeting of the management committee to which the minutes relate, and cause the minutes to remain so displayed for at least 7 consecutive days.";"

23 By deleting paragraph (j) and substituting -

"(j) in paragraph 11 -

(i) in subparagraph (1) -

(A) by repealing "Notwithstanding any provision in a deed of mutual covenant to the contrary, where" and substituting "Where";

(B) by repealing everything after "in his own right" and substituting "and paragraph 4(1), (2)(a), (b), (c), (d) and (f), (3), (3A) and (4) shall apply to the authorized representative.";

(ii) by repealing subparagraph (2) and substituting -

"(2) If an authorized representative ceases to be a member of a management committee under paragraph 4(2)(a), (b), (c), (d) or (f) or (3A), the body corporate may appoint another authorized representative in his place, and paragraph 4(1), (2)(a), (b), (c),

(d) and (f), (3), (3A) and (4) shall apply to that other authorized representative."."

24 By adding -

"(ba) in paragraph 1(2), by adding ", and hold the general meeting within ~~35~~45 days of receiving such request" after "such request";".

24(d) In the Chinese text, by deleting subparagraph (iii) and substituting -

"(iii) 在第(3)節中，廢除"業主投票表決，以多數票"而代以"親自投票或委派代表投票的業主以過半數票"；".

24(e) (a) In subparagraph (ii), by deleting "sealed or stamped with the seal or stamp" and substituting "impressed with the seal or chop".

(ab) In subparagraph (iii), in the proposed paragraph 4(3), by deleting "24 hours" and substituting "48 hours".

(bc) By adding -

"(iv) by adding -

"(4) The instrument appointing a proxy is valid only if it is made and lodged in accordance with subparagraphs (2) and (3).

(5) Where an instrument appointing a proxy is lodged with the secretary of the management committee -

(a) the secretary shall -

- (i) acknowledge receipt of the instrument by leaving a receipt at the flat of the owner who made the instrument, or depositing the receipt in the letter box for that flat, before the time for the holding of the meeting; and
- (ii) display information of the owner's ~~address~~flat in a prominent place in the place of the meeting before the time for the holding of the meeting, and

cause the information
to remain so
displayed until the
conclusion of the
meeting; and

(b) the chairman of the management
committee or, if he is absent,
the person who presides at the
meeting, shall determine the
validity of the instrument in
accordance with subparagraph
(4).

(6) The management committee shall keep
all the instruments for the appointment of
proxies that have been lodged with the
secretary of the management committee for a
period of at least 12 months after the
conclusion of the meeting." ;".

24 By adding -

"(ea) by repealing paragraph 5(2) and substituting -

"(2) A proxy appointed by an owner to
attend and vote on behalf of the owner at a
meeting of the corporation shall, for the

purposes of the meeting, be treated as being the owner present at the meeting.";

(eb) by adding -

"5A. (1) Subject to subparagraph (2), where a meeting of the corporation convened under paragraph 1 is adjourned, paragraphs 2, 3, 4 and 5 shall apply to the adjourned meeting as they apply to the original meeting.

(2) Where a meeting of the corporation convened under paragraph 1 is adjourned, a valid instrument appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned meeting unless -

- (a) contrary intention is shown on the instrument;
- (b) the instrument is revoked; or
- (c) the instrument is replaced by a new instrument appointing a proxy.";

(ec) by repealing paragraph 6(3) and substituting -

"(3) The secretary shall display the minutes certified in accordance with subparagraph (2) in a prominent place in the

building within 28 days of the date of the general meeting to which the minutes relate, and cause the minutes to remain so displayed for at least 7 consecutive days." ;".

24(f) By deleting the full stop at the end and substituting a semicolon.

24 By adding -
"(g) by repealing paragraph 9." ;".

25 By deleting paragraph (b) and substituting -
"(b) by repealing the heading and substituting -
"MAXIMUM ALLOWANCES PAYABLE TO CHAIRMAN,
VICE-CHAIRMAN, SECRETARY AND TREASURER
OF MANAGEMENT COMMITTEE" ;".

25(c) By deleting the full stop and substituting a semicolon.

25 By adding -
"(d) in the heading of column 3, by adding "for each
person" after "per month" ;".

~~26(b)~~ ~~By deleting the full stop at the end and substituting a semicolon.~~

26 ~~By adding—~~

~~“(c) in paragraph 5—~~

~~(i) by repealing “or an authorized officer”;~~

~~(ii) by repealing “or that officer”.”.~~

27 By adding -

“(ba) by adding -

“1A. The management committee shall -

- (a) at the request of not less than 5% of the owners, permit those owners or any person appointed by those owners to inspect any bills, invoices, vouchers, receipts or other documents referred to in paragraph 1 at any reasonable time; and
- (b) permit any person authorized by the court to inspect any bills, invoices, vouchers, receipts or other documents referred to in paragraph 1 at any reasonable time.

1B. For the purposes of paragraph 1A(b), an

owner may apply to the court for an order authorizing the owner, or any other person named in the application, to inspect any bills, invoices, vouchers, receipts or other documents referred to in paragraph 1.

1C. The court may make an order under paragraph 1B only if it is satisfied that -

(a) the application is made in good faith; and

(b) the inspection applied for is for a proper purpose.";

(bb) in paragraph 2, by repealing everything after "that period" and substituting ", display a copy of the summary in a prominent place in the building, and cause it to remain so displayed for at least 7 consecutive days.";".

~~27(c) In subparagraph (ii), by deleting the full stop and substituting a semicolon.~~

~~27 By adding—~~

~~—"(d) in paragraph 4—~~

~~—(i) by repealing "or an authorized officer";~~

~~—(ii) by repealing "or that officer".".~~

28 By adding -

"(aa) in paragraph 1(2) -

- (i) in sub-subparagraph (b), by adding ", and cause it to remain so displayed for at least 7 consecutive days" after "in the building";
- (ii) in sub-subparagraph (e), by adding ", and cause it to remain so displayed for at least 7 consecutive days" after "in the building";".

28 By deleting paragraph (b) and substituting -

"(b) in paragraph 2 -

- (i) in subparagraph (2), by repealing everything after "expenditure" and substituting "and a balance sheet in respect of that period, display a copy of the summary and balance sheet in a prominent place in the building, and cause it to remain so displayed for at least 7 consecutive days.";
- (ii) in subparagraph (3), by adding ", display a copy of the income and expenditure

account and balance sheet in a prominent place in the building, and cause it to remain so displayed for at least 7 consecutive days" after "that year";

(iii) in subparagraph (6), by repealing the full stop and substituting -

"and -

(a) permit any owner, at any reasonable time, to inspect the audited income and expenditure account and balance sheet and the report made by the accountant or auditor in respect of the income and expenditure account and balance sheet; and

(b) on payment of a reasonable copying charge, supply any owner with a copy of

the audited income
and expenditure
account and balance
sheet, or the report
made by the
accountant or auditor
in respect of the
income and
expenditure account
and balance sheet, or
both, as requested by
the owner." ;".

28(e) By deleting the proposed paragraph 5(1) and (2) and
substituting -

"(1) Subject to subparagraphs (2) and (3), the
manager shall not enter into any contract for the
procurement of any supplies, goods or services the value
of which exceeds or is likely to exceed the sum of
\$200,000 or such other sum in substitution therefor as
the Authority may specify by notice in the Gazette
unless -

(a) the supplies, goods or services are
procured by invitation to tender; and

(b) the procurement complies with the Code of Practice referred to in section 20A(1).

(2) Subject to subparagraph (3), the manager shall not enter into any contract for the procurement of any supplies, goods or services the value of which exceeds or is likely to exceed a sum which is equivalent to 20% of the annual budget or such other percentage in substitution therefor as the Authority may specify by notice in the Gazette unless -

(a) if there is a corporation -

- (i) the supplies, goods or services are procured by invitation to tender;
 - (ii) the procurement complies with the Code of Practice referred to in section 20A(1); and
 - (iii) whether a tender submitted for the purpose is accepted or not is decided by a resolution of the owners passed at a general meeting of the corporation, and the contract is entered into with the successful tenderer;
- or

(b) if there is no corporation -

- (i) the supplies, goods or services are procured by invitation to tender;
- (ii) the procurement complies with the Code of Practice referred to in section 20A(1); and
- (iii) whether a tender submitted for the purpose is accepted or not is decided by a resolution of the owners passed at a general meeting convened and conducted in accordance with the deed of mutual covenant, and the contract is entered into with the successful tenderer.

(3) Subparagraphs (1) and (2) do not apply to any supplies, goods or services which but for this subparagraph would be required to be procured by invitation to tender (referred to in this subparagraph as "relevant supplies, goods or services") -

(a) where there is a corporation, if -

- (i) the relevant supplies, goods or services are of the same type

as any supplies, goods or services which are for the time being supplied to the

corporation by a supplier; and

- (ii) the corporation decides by a resolution of the owners passed at a general meeting of the corporation that the relevant supplies, goods or services shall be procured from that supplier on such terms and conditions as specified in the resolution, instead of by invitation to tender; or

(b) where there is no corporation, if -

- (i) the relevant supplies, goods or services are of the same type as any supplies, goods or services which are for the time being supplied to the owners by a supplier; and

- (ii) the owners decide by a resolution of the owners passed at a general meeting convened

and conducted in accordance with the deed of mutual covenant that the relevant supplies, goods or services shall be procured from that supplier on such terms and conditions as specified in the resolution, instead of by invitation to tender."

- 28(g) (a) By deleting subparagraph (i).
- (b) By deleting subparagraph (ii) and substituting -
- "(ii) by repealing subparagraph (1) and substituting -
- "(1) Subject to subparagraph (5A), at a general meeting convened for the purpose, a corporation may, by a resolution -
- (a) passed by a majority of the votes of the owners voting either personally or by proxy; and
- (b) supported by the owners of not less than 50% of the shares in aggregate,
- terminate by notice the DMC manager's

appointment without compensation.";"

(c) By deleting subparagraph (v) and substituting -

"(v) by repealing subparagraph (4);".

(d) By adding -

"(via) in subparagraph (5A)(b), by repealing

"subparagraph (1)" and substituting "subparagraph (1)(b)";

(vib) by adding -

"(5B) If a contract for the appointment of a manager other than a DMC manager contains no provision for the termination of the manager's appointment, subparagraphs (1), (2), (3) and (5A) apply to the termination of the manager's appointment as they apply to the termination of a DMC manager's appointment.

(5C) Subparagraph (5B) operates without prejudice to any other power there may be in a contract for the appointment of a manager other than a DMC manager to terminate the appointment of the manager.";"

(e) By deleting subparagraph (vii).

"(h) in paragraph 8 -

(i) by renumbering it as paragraph 8(2);

(ii) by adding -

"(1) Subject to subparagraph (2), if the manager's appointment ends for any reason, he shall, as soon as practicable after his appointment ends, and in any event within 14 days of the date his appointment ends, deliver to the owners' committee (if any) or the manager appointed in his place any movable property in respect of the control, management and administration of the building that is under his control or in his custody or possession, and that belongs to the corporation (if any) or the owners.";

(iii) ~~in subparagraph (2)(b), by repealing "管~~
~~理委員會" and substituting "業主委員會";~~by
repealing subparagraph (2)(b) and
substituting -
"(b) deliver to the owners'

committee (if any) or the
manager appointed in his place
any books or records of
accounts, papers, documents
and other records which are
required for the purposes of
sub-subparagraph (a) and have
not been delivered under
subparagraph (1).";

(i) by adding -

"9. Communications among owners

The manager shall consult (either generally or in any particular case) the corporation ~~or, if there is no corporation,~~ the owners' committee (if any), at a general meeting of the owners and adopt the approach decided by the corporation ~~or owners' committee, as the case may be,~~ on the channels of communication among owners on any business relating to the management of the building."."

29 By adding -

"(ea) by repealing paragraph 8(a) and (b) and

substituting -

- "(a) the owners' committee;
- (b) the manager; or
- (c) an owner appointed to convene such a meeting by the owners of not less than 5% of the shares in aggregate.";"

29(f) In the proposed paragraph 9, in the English text, by deleting "or persons".

29 By adding -

"(ha) by repealing paragraph 12 and substituting -

"12. A meeting of owners shall be presided over by the chairman of the owners' committee or, if the meeting is convened under paragraph 8(b) or (c), the person convening the meeting.";"

29 By deleting paragraph (j) and substituting -

"(j) by repealing paragraph 14 and substituting -

"14. (1) An instrument appointing a proxy shall be in ~~writing~~the form set out in Form 1 in Schedule 1A, and -

- (a) shall be signed by the owner;

or

(b) if the owner is a body corporate, shall, notwithstanding anything to the contrary in its constitution, be ~~sealed or stamped with the seal or stamp~~impressed with the seal or chop of the body corporate and signed by a person authorized by the body corporate in that behalf.

(2) The instrument appointing a proxy shall be lodged with the chairman of the owners' committee or, if the meeting is convened under paragraph 8(b) or (c), the person convening the meeting at least 48 hours before the time for the holding of the meeting."."

32 By deleting paragraph (b) and substituting -

"(b) by repealing paragraph (a) and substituting -

"(a) sections 3(8), 3A(3F), 4(10) and 40C(9) and paragraphs 1(2) and 5 of Schedule 3,

paragraph 1A of Schedule 6 and paragraph
11 of Schedule 8 are specified;".

~~33~~ ~~By adding—~~

~~—"(ca) in subsection (4), by repealing "an authorized
officer,";".~~

~~33(d)~~ ~~By adding before subparagraph (i)—~~

~~—"(ia) by repealing "or an authorized officer";".~~

~~33~~ ~~By deleting paragraph (e) and substituting—~~

~~—"(e) in subsection (6)—~~

~~—(i) by adding "of the management committee"
after "The treasurer";~~

~~—(ii) by repealing "or an authorized officer";~~

~~—(iii) by repealing "or that officer";".~~

33(a) By deleting subparagraph (i) and substituting -

"(i) by repealing ", on behalf of the corporation and
the occupiers and owners of a building,";".

33 By deleting paragraph (b).

33 By deleting paragraph (c) and substituting -

"(c) in subsection (3), by repealing ", on behalf of the

corporation and the occupiers and owners of a building,";".

33(e) By deleting "the treasurer" and substituting "The treasurer".

33(f) In the proposed section 28(6A), by deleting "effected the policy of insurance" and substituting "effected a policy of insurance under subsection (1)".

Part 4 By deleting the Part.

36(3) In paragraph (a), by deleting "an annual general meeting" and substituting "a general meeting".

39 By deleting paragraph (b) and substituting -

"(b) in subsection (3) -

(i) by repealing "多數票" and substituting "過半數票";

(ii) by repealing "委任" and substituting "委出";".

40 By deleting paragraph (b) and substituting -

"(b) in subsection (4) -

(i) by repealing "多數票" and substituting

"過半數票";

- (ii) by repealing "委任" and substituting "委出".

44 By deleting the clause and substituting -

"44. Change of name

Section 10(1) is amended -

- (a) by repealing "the Third Schedule" and substituting "Schedule 3";
- (b) in paragraphs (a) ~~and (b)~~, by repealing "多數票" and substituting "過半數票"~~.".;~~
- (c) in paragraph (b), by repealing "a majority of".

46 By deleting the clause and substituting -

"46. Tenants' representative

Section 15(1) is amended -

- (a) by repealing "by resolution of not less than 50% of the votes" and substituting "by a resolution passed by a majority of the votes";
- (b) by repealing "親自出席或委派代表出席投票" and substituting "由親自投票或委派代表投票".

49 By deleting paragraph (a).

New By adding -

**"49A. Insurance policy to be made
available by management
committee for inspection**

Section 28(2) is amended by repealing "副本費" and
substituting "複印費".

New By adding -

**"50A. Powers and duties of an
administrator**

Section 32(2) is amended by repealing
"determination" and substituting "termination".

51 By deleting paragraph (b) and substituting -

"(b) in subsection (2) -

(i) by repealing "the Seventh Schedule" and
substituting "Schedule 7";

(ii) by repealing "多數票" and substituting
"過半數票";".

51(c) By deleting subparagraph (ii) and substituting -

"(ii) in paragraph (b), by repealing "在業主親自出席或委派
代表出席的按照公契召開及進行的業主大會上以多數票" and

substituting "在按照公契召開和進行的業主大會上由親自投票
或委派代表投票的業主以過半數票";".

60 By deleting paragraph (d).

60 By adding -

"(e) in paragraph 10(2), by repealing "多數票" and
substituting "過半數票".".

64 By deleting paragraph (c) and substituting -

"(c) in paragraph 7(5A)(b) -
(i) by adding "in aggregate" after "the
shares" where it twice appears;
(ii) by repealing "不少於50%份數" and
substituting "份數不少於50%".".

65 By deleting the clause and substituting -

**"65. Terms added if consistent with
deed of mutual covenant**

The Eighth Schedule is amended, in paragraph
11A(b), by adding "in aggregate" after "the shares".".

66 By deleting the clause and substituting -

"66. Enumeration of owners

Schedule 11 is amended, in paragraph (b), in column 2 of item 1, by repealing "共有人" and substituting "共同擁有人".