

**立法會**  
**Legislative Council**

LC Paper No. LS57/08-09

**Paper for the House Committee Meeting  
on 24 April 2009**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 17 April 2009**

**Date of tabling in LegCo** : 22 April 2009

**Amendment to be made by** : 20 May 2009 (or 10 June 2009 if extended by resolution)

**Building Management (Amendment) Ordinance 2000 (69 of 2000)  
Building Management (Amendment) Ordinance 2000 (Commencement) Notice  
2009 (L.N. 64)**

By this Notice made under section 1(2) of the Building Management (Amendment) Ordinance 2000 (69 of 2000) (2000 Amendment Ordinance), the Secretary for Home Affairs has appointed 1 January 2011 as the day on which sections 10(a) and 12 of the 2000 Amendment Ordinance are to come into effect. All other provisions have already come into operation.

2. The 2000 Amendment Ordinance was scrutinized by a Bills Committee prior to its enactment on 27 June 2000. Section 10(a) repeals the existing section 18(2)(d) of the Building Management Ordinance (Cap. 344). The repealed provision relates to the obligation of an owners' corporation to insure the building against fire and other risks. Section 12 repeals the existing section 28 of Cap. 344 and substitutes a new section 28. The new section provides for the obligations of an owners' corporation to take out third party liabilities insurance in relation to the building. The new section is itself amended by Part 3 of the Building Management (Amendment) Ordinance 2007 (5 of 2007) (2007 Amendment Ordinance) which will take effect on the same date (please see the following item).

**Building Management (Amendment) Ordinance 2007 (5 of 2007)  
Building Management (Amendment) Ordinance 2007 (Commencement) Notice  
2009 (L.N. 65)**

3. By this Notice made under section 2 of the 2007 Amendment Ordinance, the Secretary for Home Affairs has appointed 1 January 2011 as the day on which section 12(b)(ii) and Part 3 of the 2007 Amendment Ordinance are to come into effect. All other provisions have already come into operation.

4. The 2007 Amendment Ordinance was scrutinized by a Bills Committee prior to its enactment on 25 April 2007.
5. Section 12(b)(ii) amends the existing section 12 of Cap. 344 by adding in subsection (2) a new item (da), so that the Land Registrar shall enter in the register of each owners' corporation the name and address of the insurance company with which the corporation has effected an insurance policy under section 28(2) and the period covered by the insurance policy.
6. Part 3 of the 2007 Amendment Ordinance consists of only section 37. It amends the new section 28 introduced by section 12 of the 2000 Amendment Ordinance. Section 37 effects some textual amendments to remove ambiguities in section 28. A new section 28(6A) is introduced to require the secretary of a management committee to give notice to the Land Registrar of the name and address of the insurance company with which the owners' corporation has effected a policy of insurance and the period covered by the policy of insurance.
7. The Panel on Home Affairs discussed at its meeting on 12 December 2008 the Administration's proposal to defer the commencement date of the mandatory requirement for an Owners' Corporation (OC) to procure and keep in force a policy of third party risks insurance from 1 January 2009 to 1 January 2011. Members in general supported the proposal in view of the lead time required for OCs to carry out the maintenance work for the removal of unauthorized building works (UBWs), which is the main hindrance for OCs in their procurement of third party risks insurance and compliance with the requirement.
8. No difficulties have been identified in the legal or drafting aspects of the above items of subsidiary legislation.

Prepared by

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20 April 2009