

(Translation)

**Motion on
“Improving property management and operation of owners’ corporations”
Moved by Dr Hon Priscilla LEUNG
at the Council meeting of 27 March 2013**

**Motion as amended by Hon Claudia MO, Hon Christopher CHUNG and
Hon WU Chi-wai**

That for a long time, disputes over property management issues arise in quite a number of residential estates, with some owing to large property developers’ oppression of small property owners through ownership control of estate common areas in their capacity as first-hand owners, which renders small property owners unable to set up owners’ corporations, and others the lack of effective regulation over the operation of owners’ corporations, which have led to incessant litigations and even rampant corruption and illegal practices; even though owners’ corporations have been set up in some estates, the residents are unable to replace the management companies owned by large property developers because such developers control the estates’ majority shares in their capacity as first-hand owners; in this connection, this Council urges the authorities to review the existing Building Management Ordinance to improve the mechanism for amending Deeds of Mutual Covenant and in an endeavor to resolve disputes involving property management more reasonably and effectively; to strengthen the protection of the rights and interests of small property owners and tenants, enhance building management efficiency, and resolve building management problems arising from ‘one building with multiple owners’ corporations’ and ‘multiple buildings with one owners’ corporation’, etc., the Government should allocate additional resources for establishing a one-stop platform to assist small property owners and tenants in obtaining support from different departments; the Government should also adopt the following measures:

- (1) to set up a building management tribunal, and transfer the cases currently dealt with by the Lands Tribunal and relating to the Building Management Ordinance to the building management tribunal for handling;
- (2) to review the role, manpower and workload of the liaison officers of the District Building Management Liaison Teams under the Home Affairs Department;

- (3) to ensure that the Home Affairs Department properly discharges the powers conferred by the Building Management Ordinance;
- (4) to set up a mechanism for amending the unreasonable terms and conditions in Deeds of Mutual Covenant, so as to assist property owners in managing their buildings more effectively; and
- (5) to actively study the setting up of a vetting and approval mechanism to empower small property owners under Sub-deeds of Mutual Covenant to handle building management problems involving Sub-deeds of Mutual Covenant.