

立法會 CB(2)1291/16-17(11)號文件  
LC Paper No. CB(2)1291/16-17(11)



# SUBMISSION TO PANEL ON HOME AFFAIRS

April 21, 2017

## COMMENTS ON AMENDMENT PROPOSAL OF CHAP. 344

- I.5. Such amendment is currently not necessary, because it all depends on the owners' participation and involvement. If no involvement is driven, the higher percentage will not help the situation. The most important before such amendment is to increase the level of building management supervision from the owners' corporation. Currently, we need an official government body to supervise us as owners to respect the current ordinance.



## COMMENTS ON AMENDMENT PROPOSAL OF CHAP. 344

- I.6. Currently the proxy model has helped out some honest owners' corporation to rebuild the building management from a disaster situation. Without an enforcement of prosecution power from the Home Affairs Department, the current amendment is somehow useless and not helpful at all to our owners' corporation needs.



## COMMENTS ON AMENDMENT PROPOSAL OF CHAP. 344

- IV.19. Please kindly set a timeframe of audit report submission, otherwise the amendment does not mean anything. An annual tax submission is also required, so that another governmental checking point is made.
- IV.20. Please set a timeframe as well, not only for the financial annual report, but also for the upcoming budget presentation.



## COMMENTS ON AMENDMENT PROPOSAL OF CHAP. 344

- VI.27. This amendment is only meaningful if a real prosecution power is allowed to the Home Affairs Department – Building Management Team Unit.



## COMMENTS ON AMENDMENT PROPOSAL OF CHAP. 344

### ○ Additional Comments:

- We need a stronger Home Affairs Department with **prosecution power** towards owners' corporation, so that the owners' corporations will respect to the BM ordinance and to the Home Affairs Department
- We need an **independent panel** to advise owners' corporation on how to select the consultant and contractors while receiving the MBIS/MWIS scheme orders from the Building Department.
- Under tax perspective, we need a **similar treatment of the tax submission** towards owners' corporation compared to normal registered companies, because lots of owners' corporations without building management companies have not made the respective tax declarations to the Inland Revenue Department.



## COMMENTS ON AMENDMENT PROPOSAL OF CHAP. 344

### ○ Additional Comments:

- The Building Management Ordinance should improve more on the section how to **balance the responsibilities between Owners' Corporation and External Building Management Company**, as currently in practice, a certain number of external building management companies has exercised some powers which may override the powers of the Owners' Corporation in the detriment of some owners (who want to change the power of the external building management companies).

