

SDK Tong

Legislative Council  
Panel on Home Affairs  
Special Meeting on 4 May 2017  
Review of the BMO  
Email: panel\_ha@legco.gov.hk

4 May 2017

Dear Sirs

**Re: Re-submission**

Thank you for the invitation to the consultative meeting today. To add and reiterate: the Building Management Ordinance (BMO) is a mess.

Before we rush into revising the BMO, we must stop the current approach of piecemeal patching - talking about increasing 10% to 20% attendance requirement or proxy paper submission is pointless if we do not change the fundamentals - a regulation without enforcement is meaningless.

The consultation needs to be extended and expanded to have a fresh eye. Otherwise it is just old tea in a new teapot. We need to start fresh to review how the Building Management Ordinance (BMO) can protect home owners, what role and enforcement activities the Home Affairs (HA) can take to give teeth to the regulations.

I have witnessed so many abuses, for example:

1. Incorporated Owners (IO) Secretary repeatedly produced a proxy from a dead person, in the presence of HA officer, while the dead man's family denied ever signing them.
2. IO Chair ignored the rule of 5% owners' request for owners' meeting in 45 days. HA did nothing but referred the complainant to his own lawyer.
3. IO chair and MC members owned car parks and decided car park owners did not contribute to the major building renovation, contrary to the Deed of Mutual Covenant (DMC)
4. IO Chair and MC members owned car parks and decide non-car park owners pay for the car park renovation, contrary to the DMC.
5. IO Chair and MC members had their large and substantial unauthorised (illegal) structures renovated for free.
6. IO chair hired his friends to be consultant and Treasurer with high salary over extended period of time, without a tender.
7. IO Chair and MC members produced no meeting minutes for any meetings, or produced false and inaccurate minutes.

The list goes on because the BMO has no teeth, it is open season for the offenders. It is an irony - we enjoy protection from the SFC for a few thousand dollars of shares we buy, but we have no protection over our biggest investment in our life - our home.

We must slow down the consultation to review the fundamentals, or we will be stuck in this mess for another 10 years.

Yours faithfully

SDK Tong