

民政事務總署

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22 February 2019

Clerk to the Panel on Home Affairs
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road,
Central, Hong Kong
(Attn: Ms Joanne MAK)

By Email

Dear Ms MAK,

Checklist on Procedural Propriety on Building Management

We would like to inform you that the Home Affairs Department (HAD) published the Checklist on Procedural Propriety on Building Management (Checklist) on 22 February 2019. The Checklist tabulates the requirements and best practices related to the convening of a general meeting of an owners' corporation (OC). The content of the Checklist includes the relevant requirements and best practices under (i) the Building Management Ordinance (Cap. 344) (BMO), (ii) the revised Codes of Practice (CoP) under the BMO, and (iii) the Administrative Guidelines on Best Practices on Building Management (Administrative Guidelines), with a view to assisting compliance by Management Committees (MCs) of OCs, Deed of Mutual Covenant (DMC) managers and property management companies (PMCs).

2. The Checklist has been uploaded to the HAD's dedicated homepage (link: https://www.buildingmgt.gov.hk/en/publications_and_useful_links/9_1_1.htm) on building management. The Checklist is enclosed for the reference of Members of the Panel on Home Affairs (HA Panel).

3. For easy reference by MCs of OCs, DMC managers and PMCs, the Checklist is compiled according to the procedures of convening and conducting a general

meeting of an OC, including the ways to give notice of meeting and the content of the notice, the procedures relevant to proxy instruments, matters to take note of when presiding at and conducting a general meeting and actions after the conclusion of a general meeting.

4. The HAD will encourage MCs of OCs, DMC managers and PMCs to adopt the Checklist. If the best practices contained in the Checklist cannot be complied with, the MC Chairman, DMC manager or PMC should state the reasons on the Checklist. The MC Chairman, DMC manager or PMC should also display in a prominent place in the building the completed Checklist before the meeting and the updated Checklist after the meeting to increase transparency.

5. The HAD will also encourage MCs of OCs, DMC managers and PMCs to provide a copy of the completed Checklist to the District Building Management Liaison Teams (DBMLTs) of the District Offices to share their experience and views in adopting the best practices contained in the Checklist.

6. We will assist OCs in complying with the requirements under the BMO and the CoP and the Administrative Guidelines through the DBMLTs, the “Advisory Services to OCs” and the “Building Management Professional Advisory Service Scheme”. We look forward to the continued support of the HA Panel Members on our work on the building management front.

Yours sincerely,



(Joey CHENG)
for Director of Home Affairs

Encl.

Checklist on Procedural Propriety on Building Management

(2019 Edition)

Important Notes and Disclaimer

This Checklist on Procedural Propriety (Checklist) contains the requirements and best practices related to the convening of a general meeting of an Owners' Corporation (OC), including (a) the relevant provisions under the Building Management Ordinance (Cap. 344) (BMO); (b) the Codes of Practice (CoP) issued by the Secretary for Home Affairs under the BMO; and (c) the Administrative Guidelines on Best Practices on Building Management (Best Practices), with a view to assisting compliance by Management Committees (MCs) of OCs and Deed of Mutual Covenant (DMC) managers/property management companies (PMCs) (if any).

2. The Government encourages MCs of OCs and DMC managers/PMCs (if any) to use this Checklist. Relevant parties **are required to** comply with the BMO and the CoP. If the best practices contained in this Checklist cannot be complied with, the MC Chairman or DMC manager/PMC (if any) should state the reasons on the Checklist to increase transparency and accountability. Failure to comply with the best practices contained in this Checklist **would not be treated as non-compliance** with the BMO or the CoP.

3. Users of this Checklist are advised to seek independent legal advice and assistance from lawyers should there be doubts on the application of the BMO and the CoP in individual circumstances. The Government shall not be responsible for any errors, omissions or misstatements or misrepresentations (whether expressed or implied) in any part of this Checklist and shall not be held liable or accept any liability, obligation and responsibility whatsoever (including, without limitation, consequential loss or damage) arising from or in respect of any use, inability to use or misuse or reliance on this Checklist.

4. The Government reserves the right to revise, omit, suspend or edit this Checklist at any time in its absolute discretion without giving any reason or prior notice.

User Guide

5. The MC Chairman, DMC manager or PMC should display the Checklist, with Part A to Part C completed before the meeting and the remaining parts completed after the meeting in a prominent place in the building to increase transparency. MCs, DMC managers and PMCs are encouraged to provide a copy of the completed Checklist to the District Building Management Liaison Teams (DBMLTs) of the District Offices to share their experience and views in adopting the best practices contained in the Checklist.

Keys

- ◇ Requirements under the BMO
- © Requirements under the CoP
- 👉 Best Practices

Name of the OC: _____


Date of the General Meeting of the OC: _____

(A) **Convening of a General Meeting of an OC**

No.	Item	<ul style="list-style-type: none">• Please mark “√” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
Requirements under the BMO		
1.	✧ <u>Paragraph 1(1) of Schedule 3</u> ¹ The MC shall convene – (a) the first annual general meeting of an OC not later than 15 months after the date of the registration of the OC; (b) an annual general meeting not earlier than 12 months, and not later than 15 months, after the date of the first or previous annual general meeting; (c) a general meeting of the OC at any time for such purposes as the management committee thinks fit.	
2.	✧ <u>Paragraph 1(2) of Schedule 3</u> The MC Chairman shall convene a general meeting of the OC at the request of not less than 5% of the owners for the purposes specified by such owners within 14 days of receiving such request, and hold the general meeting within 45 days of receiving such request.	

¹ Pursuant to paragraph 8 of Schedule 3 to the BMO, in the event of any inconsistency between Schedule 3 and the terms of a DMC or any other agreement, Schedule 3 shall prevail.


No.	Item	<ul style="list-style-type: none">• Please mark “✓” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
Best Practices		
3.	<p>👉 <u>Paragraph 3.1.3</u></p> <p>In making a request by not less than 5% of the owners for convening a general meeting pursuant to paragraph 1(2) of Schedule 3 to the BMO, the owners concerned should –</p> <ul style="list-style-type: none">(a) provide a list clearly setting out the names of the owners who made such request, the flats they reside in and their signatures;(b) check that the minimum requirement of “5% of the owners” is met before making the request to the MC Chairman; and(c) appoint a person as their representative/contact point in order to facilitate better communication with the MC Chairman.	
4.	<p>👉 <u>Paragraph 3.1.4</u></p> <p>For a general meeting of the OC requested by not less than 5% of the owners, the MC Chairman should –</p> <ul style="list-style-type: none">(a) liaise with the owners with a view to working out suitable measures to resolve the issue if a requested item has been repeatedly discussed at previous meetings of the OC but not less than 5% of the owners still request to convene a general meeting to discuss such item;(b) verify whether the request for meeting is made by not less than 5% of the owners; and	

No.	Item	<ul style="list-style-type: none">• Please mark “✓” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
	(c) inform other MC members as soon as practicable upon receipt of the request for meeting to facilitate better coordination and communication within the MC.	
5.	<p> <u>Paragraph 3.1.5</u></p> <p>For a general meeting of the OC requested by not less than 5% of the owners, discussion item(s) requested by the owners should be handled first at the meeting unless the resolution(s) of the requested discussion item(s) hinge on the result of another resolution/item of business which has not been included in the owners’ request. The MC Chairman should seek clarifications with the owners concerned on their requests where necessary.</p>	

(B) **Notice of Meeting**²

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
(I) Timing of Giving Notice of Meeting		
Requirements under the BMO		
6.	✧ <u>Paragraph 2(1) of Schedule 3</u> The MC Secretary shall, at least 14 days before the date of the meeting of the OC, give notice of the meeting to each owner and the tenants’ representative (if any).	
Best Practices		
7.	👍 <u>Paragraph 3.1.1</u> Apart from giving notice of meeting as required under the BMO, the notice of meeting should be displayed in a prominent place in the building as soon as practicable, say, at least 21 days before the meeting of the OC.	
(II) Content of Notice of Meeting		
Requirements under the BMO		
8.	✧ <u>Paragraph 2(1AA) of Schedule 3</u> The notice of meeting shall specify – (a) the date, time and place of the meeting; and	

² As stipulated in paragraph 3(7) of Schedule 3 to the BMO, no resolution passed at any meeting of the OC shall have effect unless the same was set forth in the notice given in accordance with paragraph 2 of Schedule 3 to the BMO or is ancillary or incidental to a resolution or other matter so set forth.

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
	(b) the resolutions (if any) that are to be proposed at the meeting or other matters that are to be discussed at the meeting.	
Requirements under the CoP		
9.	<p>© <u>Paragraph 3.6(b) of the CoP on Procurement of Supplies, Goods and Services (the part relevant to notice of meeting)</u></p> <p>(If one of the agenda items involves a resolution in relation to tendering exercises)</p> <p>If the tendering exercises involve mandatory works as stipulated in relevant statutory notice(s), order(s) or direction(s) issued by relevant government department(s) or authority(ies) (collectively referred to as government repair orders), such information should be made available to the owners before the resolution concerned is put to vote (e.g. attaching a copy of the government repair orders to the notice of meeting at which the tender is to be approved), so as to facilitate the MC members/owners in understanding and making a well informed decision on the scope of the procurement.</p>	
Best Practices		
10.	<p> <u>Paragraph 3.1.2</u></p> <p>The notice of meeting should state clearly –</p> <p>(a) the specified statutory time within which proxy instruments should be lodged;</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
	<p>(b) the method and location for lodging the proxy instruments (e.g. the exact location of proxy instrument collection boxes); and</p> <p>(c) the timing and location for the opening of proxy instrument boxes if such boxes are used, so that the owners may witness the opening and counting process.</p>	
11.	<p>👉 <u>Paragraph 2.2.4</u></p> <p>The notice of meeting concerning procurement that requires approval by a resolution passed at a general meeting of the OC should carry a conspicuous “alert” stating the estimated cost for each project, breakdown of the amount to be borne by each share, and the contribution of funds which may result from approval of the tender by each owner.</p>	
<p>(III) Ways to Give Notice of Meeting</p>		
<p>Requirements under the BMO</p>		
12.	<p>👉 <u>Paragraph 2(1A) of Schedule 3</u></p> <p>The notice of meeting may be given –</p> <p>(a) by delivering it personally to the owner or tenants’ representative (if any); or</p> <p>(b) by sending it by post to the owner or tenants’ representative (if any) at his last known address; or</p> <p>(c) by leaving it at the flat of the owner or tenants’ representative (if any) or depositing it in the letter box for that flat.</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
13.	<p>✧ <u>Paragraph 2(2) of Schedule 3</u></p> <p>The MC Secretary shall also, at least 14 days before the date of the meeting of the OC, display the notice of meeting in a prominent place in the building.³</p>	

(C) **Proxy Instruments**⁴

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
<i>(I) Form of Proxy Instruments</i>		
Requirements under the BMO		
14.	<p>✧ <u>Paragraphs 4(1) and 4(2) of Schedule 3</u></p> <p>At a meeting of the OC, an owner may cast a vote personally or by proxy. The instrument appointing a proxy shall be in the form set out in Form 2 in Schedule 1A to the BMO, and</p> <p>–</p> <p>(a) shall be signed by the owner; or</p>	

³ Please also refer to paragraph 3.1.1 of the Best Practices (see item 7 above).

⁴ See Form 2 in Schedule 1A to the BMO for the proxy instrument. Part 3.2 of the Best Practices should also be applicable to meeting of the owners for the appointment of management committee and Form 1 in Schedule 1A to the BMO, with necessary and suitable adaptations to be made.

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
	<p>(b) if the owner is a body corporate, shall, notwithstanding anything to the contrary in its constitution, be impressed with the seal or chop of the body corporate and signed by a person authorized by the body corporate in that behalf.</p>	
Best Practices		
15.	<p>👉 <u>Paragraph 3.2.1</u></p> <p>The MC Secretary should –</p> <p>(a) print the date of the meeting of the OC and a unique serial number on each of the proxy instruments to help ensure that the owners know at which meeting the appointed proxies will exercise the voting right on their behalf and to facilitate checking;</p> <p>(b) attach to each of the proxy instruments a statement of purposes in respect of the collection of personal data of owners and proxies (a sample of the statement of purposes is at Annex C of the Best Practices);</p> <p>(c) attach to each of the proxy instruments “points to note” (see Annex C of the Best Practices) to remind owners of the importance of their voting right;</p> <p>(d) attach (i) a blank proxy instrument and (ii) a form (see template at Annex B of the Best Practices) allowing owners to set out voting instructions (for resolutions</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
	<p>put to vote concerning “large-scale procurement”⁵ and with options “for” and “against” only) and proxies to make declarations to the notice of meeting or make (i) and (ii) available at the management office;</p> <p>(e) distribute the proxy instruments with the “name of proxy” left blank for completion by the owners; and</p> <p>(f) prepare a register for owners who do not intend to appoint proxies to register and make it available for inspection by owners.</p>	
(II) Filling in of Proxy Instruments		
Best Practices		
16.	<p>👉 The MC/DMC manager/PMC (if any) should encourage owners to refer to paragraphs 3.2.2 to 3.2.14 of the Best Practices when considering the appointment of proxies and filling in proxy instruments.</p>	

⁵ Relevant parties (if applicable) should categorise a procurement as a “large-scale procurement” if the value of the supplies, goods or services to be procured exceeds or is likely to exceed the corresponding “absolute amount” or “percentage of the average audited expenditure of the building for the past three years”, whichever is the lesser, as set out below –

No. of Flats* in a Building	Absolute Amount	% of average audited expenditure for the past three years
Whichever is the lesser		
100 or below	\$1 million	200%
101 to 300	\$3 million	100%
301 to 500	\$5 million	70%
501 to 2 000	\$15 million	50%
2 001 or above	\$30 million	30%



If there is no audited expenditure of the building for the past three years, the relevant parties (if any) concerned may follow the standard as defined by the “absolute amount” only.

* Not including any garage, carpark or carport.

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
17.	<p>☞ <u>Paragraph 3.2.15</u></p> <p>The maximum number of proxy instruments a proxy (including one appointed by an owner who is a body corporate) should hold for the purpose of a particular meeting is –</p> <p>(a) for a building with not more than 20 flats⁶ – one;</p> <p>(b) for a building with more than 20 flats – not more than 5% of the owners (rounded to the nearest integer) or 50 (whichever is the lesser), and the minimum number should be one.</p>	
<i>(III) Timing of Lodging and Collection of Proxy Instruments</i>		
Requirements under the BMO		
18.	<p>✧ <u>Paragraph 4(3) of Schedule 3</u></p> <p>The instrument appointing a proxy shall be lodged with the MC Secretary at least 48 hours before the time for the holding of the meeting.</p>	
19.	<p>✧ <u>Paragraph 4(5)(a)(i) of Schedule 3</u></p> <p>Where an instrument appointing a proxy is lodged with the MC Secretary, the MC Secretary shall 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.</p>	

⁶ Not including any garage, carpark or carport.

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
Best Practices		
20.	<p>👉 <u>Paragraph 3.2.16</u></p> <p>The timing and location for collecting the proxy instruments and the opening and counting of the proxy instrument collection boxes (if any) should be convenient to all owners.</p>	
21.	<p>👉 <u>Paragraph 3.2.17</u></p> <p>If the DMC manager/PMC (if any) assists the MC Secretary in collecting the proxy instruments, the MC Secretary should give clear instructions to the DMC manager/PMC on the submission deadline and the collection method.</p>	
22.	<p>👉 <u>Paragraph 3.2.18</u></p> <p>The MC/DMC manager/PMC (if any) should advise owners to lodge their proxy instruments with the MC Secretary as early as practicable, say, at least 144 hours (i.e. at least 6 days) before the meeting, to leave sufficient time for verification by the MC Chairman.</p>	
23.	<p>👉 <u>Paragraph 3.2.19</u></p> <p>The MC/DMC manager/PMC (if any) should advise owner to personally lodge the duly completed proxy instrument together with the completed form (see template at Annex B of the Best Practices) with the MC Secretary direct or deposit them in the ways as instructed by the MC Secretary, and should avoid giving them to third parties.</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
	<p>The MC/DMC manager/PMC (if any) should also advise the owner to make a copy of the signed proxy instrument, together with the completed form (see template at Annex B of the Best Practices) before lodging them with the MC Secretary or depositing them.</p>	
24.	<p> <u>Paragraph 3.2.20</u></p> <p>The MC/DMC manager/PMC (if any) should advise owners that the proxy instrument lodged by each owner should be the original copy.</p>	
25.	<p> <u>Paragraph 3.2.10</u></p> <p>Upon receipt of the proxy instrument and the completed form (see template at Annex B of the Best Practices) (if any), the MC Secretary (or the DMC manager/PMC assisting him/her) should –</p> <p>(a) affix the chop(s) of the MC (or that of the DMC manager/PMC) on the proxy instrument and each part (Part A to Part C and the “Statement of Purposes in respect of Collection of Personal Data”) of the form that has been completed and signed. If the form is submitted by an owner in person, the MC Secretary (or the DMC manager/PMC) should affix the chop in the presence of the owner;</p> <p>(b) make a copy of the proxy instruments and the completed form (see template at Annex B of the Best Practices) showing the chop(s) affixed;</p>	

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	<p>(c) keep the proxy instrument, the completed form (see template at Annex B of the Best Practices) and the copies in (b) above in a safe place.</p>	
26.	<p>👉 <u>Paragraph 3.2.21</u> The proxy instrument collection boxes (if any) should be double-locked and placed in a prominent place of the building.</p>	
27.	<p>👉 <u>Paragraph 3.2.22</u> The acknowledgement of receipt of the proxy instrument should be accompanied by a copy each of – (a) the proxy instrument; and (b) the completed form (see template at Annex B of the Best Practices) showing the chop(s) affixed, and should be issued to the owner concerned by leaving it at the flat of the owner who made the proxy instrument, or depositing it in the letter box for the flat, before the time for the holding of the meeting. For the avoidance of doubt, the issue of the acknowledgement receipt does not mean that the proxy instrument has been verified.</p>	
28.	<p>👉 <u>Paragraph 3.2.23</u> After having acknowledged receipt of a proxy instrument by leaving a receipt at the flat of the owner who made the</p>	



No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
	<p>instrument or depositing the receipt in the letter box for that flat, the MC Secretary may also hand an additional acknowledgement receipt (together with a copy each of the proxy instrument and the completed form (see template at Annex B of the Best Practices)) showing the chop(s) affixed to the owner in person.</p>	
29.	<p>👉 <u>Paragraph 3.2.24</u> The MC/DMC manager/PMC (if any) should advise owners to check whether they have received the acknowledgment receipts of the proxy instruments before the time scheduled for the holding of the meeting to ensure that the MC Secretary has received the proxy instruments. If in doubt, owners should check with the MC Secretary on the handling of the proxy instruments.</p>	
<p>(IV) Determination of the Validity of Proxy Instruments</p>		
<p>Requirements under the BMO</p>		
30.	<p>👈 <u>Paragraph 4(4) of Schedule 3</u> The instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs 4(2)⁷ and 4(3)⁸ of Schedule 3 to the BMO.</p>	

⁷ See the item 14 above.

⁸ See the item 18 above.

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
31.	<p>✧ <u>Paragraph 4(5)(b) of Schedule 3</u></p> <p>The MC Chairman or, if he is absent, the person who presides at the meeting, shall determine the validity of the instrument in accordance with paragraph 4(4) of Schedule 3 to the BMO.</p>	
32.	<p>✧ <u>Paragraph 5A(2) of Schedule 3</u></p> <p>Where a meeting of the OC convened under paragraph 1 of Schedule 3 to the BMO 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 –</p> <ul style="list-style-type: none"> (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. 	
<p>Best Practices - The MC Chairman should handle the proxy instruments in a fair and transparent manner and in accordance with the provisions under the BMO.</p>		
33.	<p>👉 <u>Paragraph 3.2.26</u></p> <p>In determining the validity of a proxy instrument –</p> <ul style="list-style-type: none"> (a) if the proxy instrument is in the form set out in Schedule 1A to the BMO, the MC Chairman should not reject the proxy instrument for the sole reason that it is not the printed proxy instrument provided by the OC; 	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
	<p>(b) the mere act of providing additional information such as Hong Kong Identity Card number or time of signing the proxy will not render the proxy instrument invalid; and</p> <p>(c) the MC Chairman should not reject the proxy instrument for the sole reason that the owner has crossed out the printed “name of proxy” and has put down the name of his/her own proxy with his/her signature.</p>	
34.	<p>👉 <u>Paragraph 3.2.27</u></p> <p>If the MC Chairman has determined that a proxy instrument is invalid before the meeting, he should contact the owner concerned to explain the invalidity of the proxy instrument as early as practicable so that the owner may consider whether a fresh proxy instrument should be made before the deadline or to attend the meeting in person.</p>	
35.	<p>👉 <u>Paragraph 3.2.28</u></p> <p>If there are two or more proxy instruments from the same owner with different dates for the purpose of a particular meeting of the OC, the proxy instrument with the most recent date is normally intended to supersede those with earlier dates.</p> <p>If in doubt, the MC Chairman should contact the owner concerned to clarify which proxy instrument is intended to</p>	

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	<p>be used by the owner. If no date is marked on the proxy instruments or if there is more than one proxy instrument marked with the same most recent date but with different proxies appointed, the MC Chairman should clarify with the owner concerned. All proxy instruments should be considered invalid if the MC Chairman has taken reasonable steps to ascertain their validity but failed.</p>	
36.	<p> <u>Paragraph 3.2.29</u></p> <p>The MC Secretary should assist the MC Chairman in contacting the owners concerned for verification of proxy instruments as soon as practicable, in any event no later than the time for the holding of the meeting, if there is any query or uncertainty arising from the proxy instruments. Owners should co-operate with the MC Chairman as far as practicable to ensure that the proxies are properly appointed.</p>	
37.	<p> <u>Paragraph 3.2.30</u></p> <p>After verification by the MC Chairman, the MC Secretary/DMC manager/PMC (where applicable) should affix the chop of the MC/DMC manager/PMC to illustrate that the proxy instruments have been verified.</p>	

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<p>(V) <i>Display of Information Concerning Proxy Instruments</i></p>		
<p>Requirements under the BMO</p>		
<p>38.</p>	<p>✧ <u>Paragraph 4(5)(a)(ii) of Schedule 3</u> Where an instrument appointing a proxy is lodged with the MC Secretary, the MC Secretary shall display information of the owner’s flat (“proxy information”) 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.</p>	
<p>Best Practices</p>		
<p>39.</p>	<p>👉 <u>Paragraph 3.2.31</u> The MC Secretary should give sufficient time for owners to check against the proxy information. The proxy information should be displayed in a prominent place of the building at least 72 hours before the meeting, be updated (if applicable) after the close of the lodging time provided that the proxy instruments concerned are lodged at least 48 hours before the meeting, and remain to be displayed until seven days after the meeting.</p>	
<p>40.</p>	<p>👉 <u>Paragraph 3.2.32</u> The proxy information should be displayed in a prominent place of the building in a clear and easily readable format with appropriate font size. Where feasible, the MC Secretary should provide additional means of dissemination</p>	



No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
	<p>of the proxy information (e.g. posting on the website of the OC) to facilitate checking by the owners.</p>	
41.	<p>👉 <u>Paragraph 3.2.33</u></p> <p>The proxy information should also include –</p> <ul style="list-style-type: none"> (a) the total number of proxy instruments received; (b) a mark against the flat of the owner concerned who has submitted proxy instrument(s) but all have been invalidated by the MC Chairman; and (c) the total number of invalidated proxy instruments. 	
42.	<p>👉 <u>Paragraph 3.2.34</u></p> <p>The reason(s) for invalidation should be marked on each invalid proxy instrument and should be announced before the OC meeting, say, by displaying as part of the proxy information. For a proxy instrument which has been determined by the MC Chairman as invalid, the owner concerned, the proxy concerned, the MC Chairman and the MC Secretary (and the DMC manager/PMC providing assistance), and the Authority (i.e. the Secretary for Home Affairs) and an authorized officer under the BMO should be allowed to inspect the proxy instrument.</p>	
43.	<p>👉 <u>Paragraph 3.2.35</u></p> <p>The MC Secretary should remind the owners to check the proxy information with a view to finding out if there are any unauthorised appointments of proxies.</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
44.	<p>👉 <u>Paragraph 3.2.36</u></p> <p>The MC Chairman should confirm the undivided shares under each of the verified proxy instruments for the purpose of vote counting unless the DMC specifies other mechanism for determining the owners’ shares.</p>	

(D) Presiding at and Conduct of a General Meeting of an OC

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
Requirements under the BMO		
45.	<p>✧ <u>Paragraph 3(1) of Schedule 3</u></p> <p>A meeting of the OC shall be presided over by –</p> <p>(a) the MC Chairman;</p> <p>(b) in the absence of the MC Chairman, the MC Vice-chairman (if any); or</p> <p>(c) in the absence of the MC Chairman and the MC Vice-chairman (if any), a person appointed by the owners present at the meeting from amongst themselves.</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
46.	<p>✧ <u>Paragraph 7 of Schedule 3</u></p> <p>The procedure at a general meeting shall be as is determined by the OC.</p>	
Best Practices		
47.	<p>👉 <u>Paragraph 3.3.1</u></p> <p>The MC Chairman should –</p> <ul style="list-style-type: none"> (a) conduct the general meeting in an orderly manner; (b) explain clearly to the owners the background and facts of the issues to be discussed; (c) allow owners to have equal opportunity to speak at the general meeting; and (d) encourage owners to express their views so as to ensure that the items are thoroughly discussed before the items are put to vote. 	
48.	<p>👉 <u>Paragraph 3.3.2</u></p> <p>The MC Secretary should –</p> <ul style="list-style-type: none"> (a) ensure the quorum of the meeting is formed before the commencement of the general meeting; (b) keep track of the number of owners coming in or leaving the venue of the general meeting to ensure that the quorum is formed before putting a resolution to vote; (c) advise the MC Chairman to adjourn the general meeting if the quorum is not formed; 	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
	<p>(d) detach and pass the voting instructions (i.e. Part B of the form at Annex B of the Best Practices) (if any) made by an owner to the proxy he/she appointed. The proxy should use the part with voting instructions (i.e. Part B of the form at Annex B of the Best Practices) as a ballot paper and vote in respect of the relevant resolution;</p> <p>(e) in connection to (d) above, if the proxy asks for an extra ballot paper despite the owner has given voting instructions (if any) to the proxy in advance –</p> <ul style="list-style-type: none"> (i) enquire about the reason behind; and (ii) contact and notify the owner at once as far as practicable, or if in vain or not practicable, after the meeting. 	
49.	<p> <u>Paragraph 3.3.3</u></p> <p>The MC Secretary should avoid giving a new ballot paper to a proxy in the case where voting instructions were given by the owner in respect of a “large-scale procurement”.</p>	
50.	<p> <u>Paragraph 1.2</u></p> <p>In the course of the appointment of the MC members, the MC/DMC manager/PMC (if any) should remind a candidate running to be a member of the MC to declare at his/her nomination form/the owners’ meeting, annual general meeting or general meeting before voting his/her associations (if any) with other candidates and the existing MC members (a sample form for declaration of associates is</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
	<p>at Annex A of the Best Practices). The declaration should be recorded in the minutes of the meeting.</p>	

(E) Number of Person Participating in a General Meeting of an OC

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
Requirements under the BMO		
51.	<p>✧ <u>Paragraph 5 of Schedule 3</u></p> <p>The quorum at a meeting of the OC shall be –</p> <p>(a) 20% of the owners, in the case of a meeting at which a resolution for the dissolution of the management committee under section 30 of the BMO is proposed; or</p> <p>(b) 10% of the owners in any other case.</p> <p>A proxy appointed by an owner to attend and vote on behalf of the owner at a meeting of the OC shall, for the purposes of the meeting, be treated as being the owner present at the meeting.</p>	

No.	Item	<ul style="list-style-type: none">• Please mark “✓” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
Best Practices		
52.	<p>👉 <u>Paragraph 2.2.2</u></p> <p>For the passage of resolutions concerning “large-scale procurement”, the relevant parties (if applicable) should use their best endeavour and encourage owners to attend the meeting concerned and vote in person.</p> <p>It is desirable for the above meeting to be attended by 20% of the owners (including owners attending the meeting personally or by proxy) or above, with at least 10% of or 400 owners (whichever is the lesser) attending the meeting concerned and voting on the resolution in person.</p>	

(F) **Cast of Votes at a General Meeting of an OC**

No.	Item	<ul style="list-style-type: none"> • Please mark “√” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) that.
Requirements under the BMO		
53.	<p>✧ <u>Paragraph 3(3) of Schedule 3</u></p> <p>All matters arising at a meeting of the OC at which a quorum is present shall be decided by a majority of the votes of the owners voting either personally or by proxy except in the following two cases –</p> <p>(a) appointment of MC Chairman, Vice-chairman (if any), Secretary, Treasurer and members at a general meeting of the OC, which shall be made by using the “first past the post” voting system; or</p> <p>(b) change of name of the OC, which shall be decided by a resolution passed by not less than 75% of the votes of the owners at the general meeting of the OC.</p>	
54.	<p>✧ <u>Paragraph 3(4) of Schedule 3</u></p> <p>If there is an equality of votes the person presiding over the meeting shall have, in addition to a deliberative vote, a casting vote.</p>	
55.	<p>✧ <u>Paragraph 3(5)(a) of Schedule 3</u></p> <p>At any meeting of the OC an owner shall, unless the deed of mutual covenant (if any) otherwise provides and subject to paragraph 3(6) of Schedule 3 to the BMO (see the item 58 below), have one vote in respect of each share which he owns.</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) that.
56.	<p>✧ <u>Paragraph 3(5)(b) of Schedule 3</u></p> <p>Where 2 or more persons are the co-owners of a share, the vote in respect of the share may be cast –</p> <p>(a) by a proxy jointly appointed by the co-owners;</p> <p>(b) by a person appointed by the co-owners from amongst themselves; or</p> <p>(c) if no appointment is made under item (a) or (b) above, either by one of the co-owners personally or by a proxy appointed by one of the co-owners.</p>	
57.	<p>✧ <u>Paragraph 3(5)(c) of Schedule 3</u></p> <p>Where 2 or more persons are the co-owners of a share and more than one of the co-owners seeks to cast a vote in respect of the share, only the vote that is cast, whether personally or by proxy, by the co-owner whose name, in order of priority, stands highest in relation to that share in the register kept at the Land Registry shall be treated as valid.</p>	
58.	<p>✧ <u>Paragraph 3(6) of Schedule 3</u></p> <p>If a registered mortgagee is in possession of an owner’s flat, such mortgagee shall, to the exclusion of the owner, be entitled to exercise the voting rights of such owner.</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) that.
Requirements under the CoP		
59.	<p>© <u>Paragraph 6.2 of the CoP on Procurement of Supplies, Goods and Services</u></p> <p>A tender which requires approval from a general meeting of the OC must be passed by majority votes. Where there are more than two alternatives and no option receives majority votes in the first round of voting, the general meeting of the OC will have to conduct a second round of voting in order to comply with the majority requirement. Some plausible methods of voting are –</p> <p>(a) progressive elimination – after the first round of voting, the general meeting of the OC may eliminate the option with the least number of votes and then carry out the second round of voting. If there is no option which receives majority votes, another round of voting will be carried out, with one more option being eliminated. If this goes on, only two options will be left in the final round of voting. Either one of the options will receive majority votes;</p> <p>(b) short-listing – after the first round of voting, the general meeting of the OC may short-list the two options which gain the greatest number of votes for a second round of voting. This also means that the ultimate choice fulfils the majority requirement;</p> <p>(c) confirmation – a second round of voting could be carried out to confirm the option which has attained</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) that.
	<p>the greatest number of votes in the first round. This also ensures that majority votes are achieved.</p>	

(G) Actions after the Conclusion of a General Meeting

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
Requirements under the BMO		
60.	<p>✧ <u>Paragraph 6(1) of Schedule 3</u> The MC Secretary shall keep minutes of the proceedings at every general meeting of the OC.</p>	
61.	<p>✧ <u>Paragraph 6(2) of Schedule 3</u> The minutes shall be certified by the person presiding over the meeting as containing a true record of the proceedings of the general meeting to which they relate.</p>	
62.	<p>✧ <u>Paragraph 6(3) of Schedule 3</u> The MC Secretary shall display the minutes certified in a prominent place in the building within 28 days of the date of the general meeting to which the minutes relate, and cause</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
	<p>the minutes to remain so displayed for at least 7 consecutive days.</p>	
63.	<p>✧ <u>Paragraph 6A(1) of Schedule 3</u> The minutes certified shall be kept by the MC for such period, being not less than 6 years, as the OC may determine.</p>	
64.	<p>✧ <u>Paragraph 4(6) of Schedule 3</u> The MC shall keep all the instruments for the appointment of proxies that have been lodged with the MC Secretary for a period of at least 12 months after the conclusion of the meeting.</p>	
Requirements under the CoP		
65.	<p>© <u>Paragraph 8.1 of the CoP on Procurement of Supplies, Goods and Services</u> To reduce possible disputes arising from the signing of contracts between OCs and suppliers/contractors within a very short period of time after the passing of resolutions on certain major projects, for tenders whose value exceeds 20% of the annual budget of the OC, the OC concerned should consider, having regard to the circumstances of the case, signing the contract with suppliers/contractors at least one month after the passing of the relevant resolution at a general meeting of the OC.</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that. 				
Best Practices						
66.	<p>👉 <u>Paragraph 2.3.1</u></p> <p>The minutes of the MC and OC meetings at which “large-scale procurement” is discussed should be delivered to the letter boxes of the owners or be sent to the email addresses of these owners (whichever applicable) within 28 days from the date of the meeting concerned.</p>					
67.	<p>👉 <u>Paragraph 3.4.1</u></p> <p>The MC should keep all the documents related to the appointment of proxies, i.e. –</p> <p>(a) the proxy instruments; and</p> <p>(b) the copies of the completed form (see template at Annex B of the Best Practices) showing the chop(s) affixed;</p> <p>(c) the voting instructions that were used as ballot papers (see Annex B of the Best Practices) (if any); and</p> <p>(d) the proxy information displayed for at least three years.</p>					
68.	<p>👉 <u>Paragraph 3.4.2</u></p> <p>The documents related to the appointment of proxies should be made available to the following parties for inspection –</p> <table border="1" data-bbox="165 1818 1002 2029"> <thead> <tr> <th data-bbox="165 1818 584 1872">Documents</th> <th data-bbox="584 1818 1002 1872">Parties</th> </tr> </thead> <tbody> <tr> <td data-bbox="165 1872 584 2029">Proxy instrument of a particular owner</td> <td data-bbox="584 1872 1002 2029">The owner, the proxy concerned, the Authority, an authorized officer under the</td> </tr> </tbody> </table>	Documents	Parties	Proxy instrument of a particular owner	The owner, the proxy concerned, the Authority, an authorized officer under the	
Documents	Parties					
Proxy instrument of a particular owner	The owner, the proxy concerned, the Authority, an authorized officer under the					

No.	Item		<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
		<p>BMO, the MC Chairman and the MC Secretary (and the DMC manager/PMC providing assistance)</p> <p>Other owners (if consent from both the owner and the proxy concerned has been given)</p>	
	<p>The proxy’s declaration (in Part A of Annex B of the Best Practices)</p>	<p>The owner and the proxy concerned, the Authority, an authorized officer under the BMO, the MC Chairman and the MC Secretary (and the DMC manager/PMC providing assistance) (the owner and the proxy concerned should sign the Statement of Purposes in respect of Collection of Personal Data in Annex B of the Best Practices)</p> <p>Other owners (if consent from both the owner and the proxy concerned has been given)</p>	

No.	Item		<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
	Proxy information displayed	All owners of the building, the proxies concerned and the Authority, an authorized officer under the BMO, the MC Secretary (if he is not an owner), and the DMC manager/PMC (if any)	
	Owner’s voting instructions (in Part B of Annex B of the Best Practices; including those used as ballot papers) and the proxy’s declaration (in Part C of Annex B of the Best Practices)	<p>The owner concerned, the proxy concerned, the Authority, an authorized officer under the BMO, the MC Chairman and the MC Secretary (and the DMC manager/PMC providing assistance) (the owner and the proxy concerned should sign the Statement of Purposes in respect of Collection of Personal Data in Annex B of the Best Practices)</p> <p>Other owners (if consent from both the owner and the proxy concerned has been given)</p>	

Remarks (add additional sheets if needed)

Signature of the DMC
manager / PMC (if any) _____

Signature of the MC
Chairman _____

Name of the DMC
manager / PMC (if any) _____

Name of the MC
Chairman _____

Date _____

Date _____
