

Chapter 13 Mandatory Building Management

The common parts of a multi-storey building are co-owned by all its owners. It is the responsibility of the owners to co-operate and participate actively in building management.

If owners do not duly discharge their responsibilities regarding building management, causing danger to the owners or occupiers of the building, the Authority (i.e. the Secretary for Home Affairs) may issue the orders mentioned below –

For a building with an OC

- Where it appears to the Authority that –
 - ◆ no person is managing the building;
 - ◆ the MC has failed to perform the duties of an OC; **and**
 - ◆ by reason of the circumstances mentioned above, there is a danger or risk of danger to the owners or occupiers of the building,

the Authority may order that, within such reasonable period, the MC must appoint a building management agent for the purposes of managing the building.

What is a “building management agent”?

A “building management agent” is a person whose name appears in a list of persons engaged in the business of the management of buildings compiled by the Authority from time to time and published in the Gazette.

Section 40B

For a building without an OC

- The Authority may make an application to the Lands Tribunal. Where it appears to the Lands Tribunal that –

- ◆ an MC is not likely to be appointed by the owners;
- ◆ no person is managing the building; **and**
- ◆ by reason of the circumstances mentioned above, there is a danger or risk of danger to the owners or occupiers of the building,

the Lands Tribunal may order that, within the specified reasonable period, a meeting of owners must be convened by such owner as shall be named in the order.

- At the meeting of owners, each owner shall have one vote. The owners may, by a resolution passed by a majority of the votes of the owners voting either personally or by proxy, appoint –

- ◆ an MC; or
- ◆ (if no MC is appointed) a building management agent.

- If no MC or building management agent is appointed at the meeting of owners, the owner named in the order issued by the Lands Tribunal may appoint a building management agent direct.

Section 40C

Other powers of the Authority

- Apart from the above, the Authority or an authorized officer may, for the purpose of ascertaining the manner in which a building is being controlled, managed or administered –
 - ◆ enter and inspect any common parts of the building;
 - ◆ attend any general meeting of the OC;
 - ◆ require the OC or any person managing the building to furnish him with information;
 - ◆ inspect the books or records of account and other records of the OC;
 - and**
 - ◆ inspect any other documents or records kept by the OC in relation to any of its functions, duties or powers.

Section 40A