

Amendment to the “Building Management Ordinance” (Cap. 344)

New requirement to declare
membership eligibility of management
committees of owners' corporations



With effect from 5 January 2015

To facilitate and encourage owners to participate in the management work of the management committees (MCs) of owners' corporations (OCs), the Administration has amended the relevant provisions of the Building Management Ordinance (Cap. 344) (“BMO”) through the Statute Law (Miscellaneous Provisions) Ordinance 2014 to obviate the need for taking an oath **with effect from 5 January 2015.**

According to the amended Ordinance, the elected MC member of a newly formed OC and those elected by way of re-election or by-election shall only lodge a "Statement of Eligibility" (L.R. 175) stating that he or she does not fall within any of the categories of the ineligible persons specified in Schedule 2 to the BMO without a statutory declaration (i.e. "an oath").

Any MC member who fails to lodge a statement within 21 days after the election shall cease to be such member.

In completing a statement, the elected MC member shall sign the statement in the form the Land Registrar may specify in the presence of a witness who shall also sign the statement to confirm that the signature of the member is genuine.

A witness may be any person aged 18 or above including the MC member's family member, a neighbour or another MC member. The MC member may lodge the statement in or outside Hong Kong.

The MC Secretary shall submit the "Statement of Eligibility" to the Land Registry for filing within 28 days after the election of MC members of a newly formed OC or within 28 days upon receipt of the statement from members elected by re-election or by-election.

While a statement is not a statutory declaration, an MC member will still be held liable for providing false information in the statement.