

## **Free Outreach Legal Advice Service on Building Management** **Application Guide**

### **Aim**

1. The general meeting of owners' corporation (OC) is an essential building management platform, which allows owners to discuss different building management matters and make important decisions by way of resolutions. To enhance the legal support for OCs in conducting OC meetings, the Home Affairs Department (HAD) has, in collaboration with the Law Society of Hong Kong, launched the Free Outreach Legal Advice Service on Building Management (FOLAS). Lawyers will be assigned to assist OCs in conducting OC meetings and provide legal advice at OC meetings for free.

### **The Service**

2. OCs successful in applying for the FOLAS will be assigned lawyers to assist in conducting OC meetings. Each OC will be provided with free legal service for up to 6 hours. The services to be provided and the corresponding recommended time allocation are as follows –

<b>Services to be Provided</b>	<b>Recommended Time Allocation</b>
(a) Attend pre-meeting of the OC meeting (pre-meeting stage)	Up to 1 hour
(b) Peruse documents relevant to the meeting provided by the OC (reading stage)	Up to 2 hours
(c) Attend the OC meeting (OC meeting stage) <sup>1</sup>	Up to 3 hours

3. The person authorised by the OC to handle matters relevant to the FOLAS (Authorised Person) shall agree with the lawyer assigned on the time allocation for the three stages above. In particular, the “pre-meeting stage” and the “reading stage” shall precede the “OC meeting stage”, and the following requirements shall be complied with –

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<sup>1</sup> For one OC meeting only. Please refer to paragraph 13 of the “Rules of the FOLAS” for the arrangements if the OC meeting is adjourned.

(a) the total number of hours spent in the “OC meeting stage” shall not exceed 4 hours; and

(b) the total number of hours spent in the three stages above shall not exceed 6 hours.

((a) and (b) above collectively referred to as the “cap”.)

4. The key procedures of the FOLAS include the following steps –

**Step 1:** The OC passes a resolution to apply for the FOLAS at a management committee (MC) or an OC meeting and appoint one of the MC members as the Authorised Person to submit the application

**Step 2:** The applicant shall submit –

- (a) the completed application form;
- (b) a copy of the relevant meeting minutes duly stamped with the seal or chop of the OC; and
- (c) documents relevant to anticipated discussion items or items in dispute

to the corresponding District Office (DO) of the building concerned

**Step 3:** Upon successful application of the FOLAS, the Authorised Person shall sign a retainer letter with the law firm concerned

**Step 4:** A lawyer will be assigned to assist the OC in conducting the OC meeting for free

**Step 5:** Upon completion of the service, the OC is required to complete a questionnaire for evaluation purpose

**Eligibility**

5. OCs are required to meet the **following four criteria** to be eligible in applying for the FOLAS –

(a) the OCs have not retained any lawyers when submitting the application;

- (b) the buildings concerned shall be residential or composite (i.e. commercial/residential use) buildings;
- (c) the average rateable value per annum of residential units of the buildings concerned shall not exceed –

<b>Region</b>	<b>Average Rateable Value Per Annum</b>
(i) Hong Kong Island	\$258,000
(ii) Kowloon	\$161,000
(iii) New Territories East <sup>2</sup>	\$146,000
(iv) New Territories West <sup>3</sup>	\$125,000

- (d) the OCs have not used the FOLAS within one year before submitting the applications.

6. The annual quota of the FOLAS is 50.

**Application Date and Method**

7. The applicant shall submit the documents specified in Step 2 above at least 28 days before the date of the scheduled OC meeting to the corresponding DO of the building concerned during office hours. “Free Outreach Legal Advice Service on Building Management” shall be marked on the envelope of the application.

**Important Points to Note**

- 8. The Authorised Person shall be responsible for handling all matters relating to the FOLAS if the OC is successful in applying for the FOLAS.
- 9. When filling in the application form, the applicant should refer to the poster and “Rules for the FOLAS” for details and relevant requirements. **If an OC, despite having successfully applied for the FOLAS, fails to comply with the requirements set out in the “Rules for the FOLAS”, HAD reserves the right to disqualify the OC concerned and terminate the provision of the FOLAS without giving any reason and without bearing any liability to any person.**

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<sup>2</sup> New Territories East includes Sai Kung, Sha Tin, Tai Po and North Districts.

<sup>3</sup> New Territories West includes Tsuen Wan, Kwai Tsing, Tuen Mun, Yuen Long and Islands Districts.

10. In assessing the applications, HAD may request an applicant to submit other information or proof as necessary. If the applicant fails to provide sufficient information, HAD will not assign any lawyer to the OC.
11. HAD reserves the right to make final decision on approving an application and that to refuse the approval without giving any reason and without bearing any liability to any person.
12. Submission of application form of the FOLAS to HAD/DO by the applicant **does not guarantee that the application will be successful.**
13. Lawyers will be assigned by HAD to OCs to provide services. Subject to the availability of lawyers to attend the OC meetings concerned, **HAD will not guarantee that a lawyer could be assigned to each and every OC applying for the FOLAS.**
14. Lawyers assigned to OCs successful in applying for the FOLAS may share the information of the cases (including the related documents) with HAD or DOs for evaluation or statistical purpose.
15. Upon successful application of the FOLAS, the Authorised Person shall sign a retainer letter with the law firm concerned regarding the FOLAS. Before signing the retainer letter, the Authorised Person should read carefully and understand the provisions contained in the retainer letter. **HAD shall not be responsible for the specific content of the retainer letter and any charges incurred by the service exceeding the cap.<sup>4</sup>**

#### **Obtain Application Form and “Rules for the FOLAS”**

16. The application form, “Rules for the FOLAS” and relevant information are available at Home Affairs Enquiry Centres of DOs or the following website – <http://www.buildingmgt.gov.hk/>.

#### **Enquiry**

17. HAD Tel: 3107 3508

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<sup>4</sup> After the completion of FOLAS, the OC may retain the assigned lawyer or his/her law firm on a private basis for further legal services.