

A Guide on Building Management Ordinance (Cap. 344)



Home Affairs Department

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Disclaimer

This Guide, which is prepared by the Home Affairs Department, seeks to outline in layman's terms the main provisions of the Building Management Ordinance. The legal provisions referred to in this Guide shall be construed in accordance with the Building Management Ordinance.

This Guide is for general reference only. Users of this booklet should not rely on the information as professional legal advice and are strongly advised to seek assistance from lawyers should there be doubts about the application of the Building Management Ordinance in individual circumstances. While every effort has been made to ensure the accuracy of the Guide, Home Affairs Department shall not be responsible for any liability howsoever caused to any person by the use of or reliance on this Guide.

Foreword

A comfortable home is desired by all Hong Kong people. Most people want to have their own properties, if they can afford it. However, many owners of private buildings may not be aware that the properties they own include not only the flats they live in. When a person purchases a flat in a building, he purchases also the common parts of the building.

Take the Chan's family as an example. The Chan's is a family of three who lives in a 600 square feet-flat on 38th floor, Block C of Happy Garden. The favourite pastime of Mr. and Mrs. Chan is to use the sauna and fitness facilities of the club of the estate, while their son is a basketball lover who plays the game with his friends every day in the open basketball court of the estate. The water the family consumes every day is provided through the water supply system and water pipes of the estate. Every day when they go out, they use the lift of the building. Furthermore, the estate has external walls, ground foundation, pillars, beams, etc. All these facilities, fixtures and structures form the common parts of the building, which are jointly owned by all owners of the estate.

Hence, even though the Chan's family may not be aware of what the "common parts" of their building are, they are enjoying and using these common facilities every day. "Rights and responsibility go hand in hand" – an owner is thus not only responsible for maintaining his own flat but also has to share with other owners the responsibility of properly managing and maintaining the common parts. All owners of a building may be held jointly and severally liable for the liabilities arising from any accidents caused by the improper management or lack of maintenance of the common parts of the building.

Hong Kong is a small place with a large population. Most people live in private multi-storey buildings or private residential estates with individual blocks of buildings. A residential estate is no different from a small community. The participation of all owners and occupants is required in order to achieve harmony in the community. Owners and occupants should join hands to resolve building management matters, which is a huge step towards the goal of achieving a comfortable home.

The Home Affairs Department (HAD) has always encouraged and assisted owners in forming appropriate residents' organisations, such as owners' corporations (OCs) to facilitate coordination among owners and effective building management. We provide a legal framework through the Building Management Ordinance (Cap. 344) (BMO) for the formation and operation of OCs.

This Guide outlines in layman's terms the main provisions of the BMO for better understanding by the public. The legal provisions referred to in this Guide shall be construed in accordance with the BMO. For any enquiry about the BMO, please see Appendix 20 for the services provided by HAD.

Chapter 1 Building Management Ordinance

Objective

The Building Management Ordinance (Cap. 344) (BMO) was enacted to provide a legal framework for the formation of Owners' Corporations (OC) to facilitate effective building management. It also sets out the powers and duties of an OC and its meeting procedures so as to facilitate the day-to-day operation of the OC and compliance by owners.

Commonly used terms in the BMO

Building

In the BMO, "building" refers to any building which contains any number of flats comprising two or more levels, including basements or underground parking areas. Any land upon which that building is erected is part of the building.

Undivided shares

Ownership in a multi-storey building is generally expressed in terms of undivided shares. When an owner purchases a flat in a multi-storey building, he is not only entitled to the exclusive possession of his flat, but also jointly owns the common parts of the building with other owners of the same building. As the common parts are co-owned by all owners, the shares of the building are undivided.

The undivided shares of each flat are set out clearly in the deed of mutual covenant (DMC) of the building. Under most circumstances, the maintenance and management fees as well as the voting right of owners at a meeting of owners are determined on the basis of the undivided shares owned by him.

Deed of Mutual Covenant

A DMC is a private contractual agreement among all the co-owners, the manager and also the developer of a building. It defines the rights, interests and obligations of the parties concerned. In general, a DMC comes into effect on the date of execution by the developer and the purchaser of the first unit of the building and is binding on other subsequent purchasers. As with other private contracts, the terms of a DMC cannot be amended unilaterally without the consent of all parties to the contract.

A DMC is a very important document in the management of building. Not only does it specify the common parts of the building, the parts for the exclusive use of individual owners and the undivided shares of each flat, but it also sets out clearly the requirements and guidelines on various building management matters. Hence, before purchasing a unit, owners should read the DMC or consult legal professionals on the terms of the DMC so as to have a full understanding of their rights and obligations associated with the purchase of the flat. Owners may obtain a copy of the DMC at the Land Registry Search Offices or through the online services of the Land Registry (www.iris.gov.hk).

Common parts

Apart from the parts specified for the exclusive use, occupation or enjoyment of an owner, all other parts of the building and those parts specified in Schedule 1 to the BMO, e.g. structural parts such as foundations, columns and beams, and lifts, gardens and clubhouses, are the common parts of the building. Owners may refer to the DMC to ascertain the common parts of their building.

Flat

In the BMO, “flat” means any premises in a building which are referred to in a DMC (whether described therein as a flat or by any other name and whether used as a dwelling, shop, factory, office or for any other purpose) of which the owner, as between himself and owners or occupiers of other parts of the same building, is entitled to the exclusive possession.

Chapter 2 Owners' Corporation

What is an Owners' Corporation?

An owners' corporation (OC) is a body corporate set up under the BMO. It has the legal status to represent all owners in managing the common parts of the building.

Why forming an OC?

Hong Kong is a small place with a large population. Most people live in private multi-storey buildings or private residential estates with individual blocks of buildings. It is the joint responsibility of owners to manage and maintain the common parts of their building which they co-own.

Managing and maintaining a building is no simple task. It involves a myriad of matters, ranging from minor ones like cleansing and refuse clearing in the common parts of the building to major issues such as appointment of property management company and commission of major maintenance works. All these involve a decision-making process. For large residential estates with hundreds or even thousands of owners, it is difficult, if not impossible, to obtain unanimous consent from all the owners on each and every single building management matter. It is therefore necessary to put in place a mechanism to facilitate collective decision-making of owners on building management matters.

BMO is enacted to provide a mechanism for the incorporation of owners. The OC, being a body corporate, can deal with building management matters on behalf of all the owners. After an OC is formed, the owners may discuss various building management matters at the general meetings of the OC which are properly convened and held in accordance with the BMO. Any collective decision made at the general meetings of the OC shall be binding on all the owners.

Any provision in a DMC that operates to prevent the owners from being registered as a corporation shall be void and of no effect.

Section 34J(1)

Powers and duties of an OC

When an OC has been formed, the rights, powers, privileges and duties of the owners in relation to the common parts of the building shall be exercised and performed by the OC. The liabilities of the owners in relation to the common parts of the building shall also be enforceable against the OC.

Section 16

The OC shall therefore properly manage and maintain the common parts of the building, and do all things reasonably necessary for the enforcement of the obligations contained in the DMC for the control, management and administration of the building. In order to reduce the risks faced by owners in times of accidents, an OC shall procure and keep in force third party risks insurance in relation to the common parts of the building and the property of the corporation.

Section 18(1)

Section 28

The OC may decide whether to engage any paid staff member, property management company or other professional trade or person to assist in carrying out its duties or powers. The OC may also decide on matters related to the common parts of the building, e.g. provision of facilities or renovation, improvement or decoration work.

Section 18(2)

In the performance of its duties and the exercise of its powers, the OC shall be guided by the “*Code of Practice on Procurement of Supplies, Goods and Services*” (Code of Practice). The Code of Practice is available at all District Offices and can be downloaded from the HAD Homepage on Building Management (www.buildingmgt.gov.hk).

Section 18(2A)

At a general meeting of the corporation, the OC may pass any resolution with respect to –

Section 14(1)

- the control, management and administration of the common parts of the building;
- the renovation, improvement or decoration of these common parts.

These resolutions shall be binding on the management committee and all the owners.

Management Committee

Building management covers a wide range of matters. It will be difficult to deal with these matters promptly and effectively if each and every single matter has to be decided by a general meeting of the corporation. Hence, a management committee (MC) is appointed to handle the day-to-day business of the OC. Under normal circumstances, the powers and duties conferred or imposed by the BMO shall be exercised and performed on behalf of the OC by the MC.

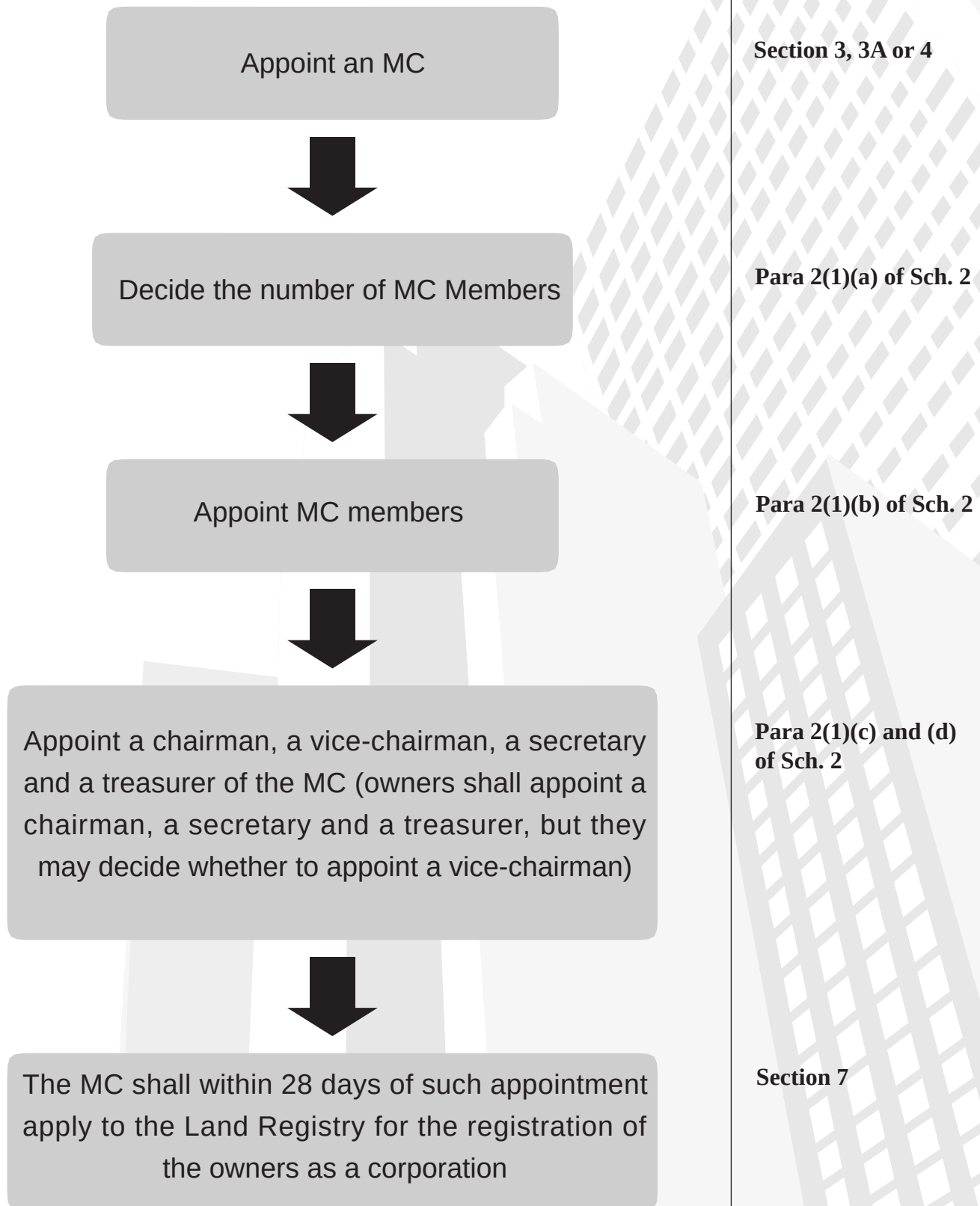
Section 29

All owners of the building are members of the OC. They may appoint any owner whom they think fit to be a member of the MC by resolution passed at a general meeting of the OC. MC member has a fiduciary responsibility to all owners and should abide by the principles of openness, transparency, integrity and accountability in performing his duties and conducting the affairs of the OC.



Chapter 3 Formation of an Owners' Corporation

How to form an OC?



Appointment of an MC

Owners may, in accordance with section 3, 3A or 4 of the BMO, convene a meeting of owners to appoint an MC and form an OC.

For the appointment of an MC and formation of an OC, owners should follow the requirements set out in the BMO, instead of the DMC of the building. However, they still have to refer to the DMC to ascertain the owners' votes at a meeting of owners. Unless the DMC otherwise provides, at a meeting of owners convened in accordance with section 3, 3A or 4 of the BMO, an owner shall have one vote in respect of each share he owns.

**Sections 3(9)(a),
3A(3G)(a) and
4(11)(a)**

Section 3

In most circumstances, owners would appoint an MC under section 3 of the BMO. It is also advisable for owners to invoke section 3 of the BMO as this will enlist more support from owners towards the appointment of an MC, which is conducive to the smooth operation of the OC and effective building management thereafter.

According to section 3 of the BMO, a meeting of owners may be convened by –

Section 3(1)

- (a) the manager of the building;
- (b) any person authorized to convene such a meeting by the DMC (person authorized by the DMC); or
- (c) one owner appointed by the owners of not less than 5% of the shares in aggregate.

A resolution to appoint an MC shall be –

- (a) passed by a majority of the votes of the owners; and
- (b) supported by the owners of not less than 30% of the shares in aggregate.

A vote may be cast either personally or by proxy

Where owners cannot appoint an MC and form an OC under section 3 of the BMO, the following options may be considered –

Section 3A – Application to the Authority (Secretary for Home and Youth Affairs)

The owners of not less than 20% of the shares in aggregate may apply to the Authority for a meeting of owners to be convened for the purposes of appointing an MC.

If the Authority approves the application, he will order that a meeting of owners shall be convened by such owner as he may direct. At the meeting of owners, the owners may appoint an MC by a resolution passed by a majority of the votes of the owners voting either personally or by proxy.

An order of the Authority made under section 3A shall be of no effect if a notice of objection from the owners of not less than 20% of the shares in aggregate is given to the Authority at least 7 days before the date of meeting. In such case, the applicants shall not convene a meeting of owners for the appointment of an MC under the order.

Section 3(2)

Section 3A(1)

Section 3A(3)

Section 3A(4) and (5)

Section 4 – Application to the Lands Tribunal

The Lands Tribunal may, upon application by the owners of not less than 10% of the shares in aggregate or the Authority, order that a meeting of owners be convened by such owner as the Lands Tribunal may direct for the purposes of appointing an MC.

Section 4(1)

At the meeting of owners, the owners may appoint an MC by a resolution passed by a majority of the votes of the owners voting either personally or by proxy.

Section 4(4)

	Convenor	Resolution to appoint an MC
Section 3	(a) manager of the building; (b) person authorized by the DMC; or (c) an owner appointed by the owners of not less than 5% of the shares in aggregate	(a) passed by a majority of the votes; and (b) supported by the owners of not less than 30% of the shares in aggregate
Section 3A	such owner as the Authority may direct	passed by a majority of the votes
Section 4	such owner as the Lands Tribunal may direct	passed by a majority of the votes

Holding a meeting of owners

For details on the arrangements for a meeting of owners, please refer to “How to Form an Owners’ Corporation” published by HAD. The booklet is available at all District Offices and can be downloaded from the HAD Homepage on Building Management (www.buildingmgt.gov.hk).

Formation of an OC

- The newly appointed MC shall, within 28 days of its appointment, apply to the Land Registry for the registration of the owners as a corporation in a specified form [L.R.164] (Appendix 1).
- Upon approval of the application for incorporation and receipt of the fees concerned, the Land Registry shall issue a certificate of registration to the OC.
- The Land Registry shall not issue a certificate of registration to more than one OC for a building in respect of which a DMC is in force.
- The date of incorporation is the date of issue of the certificate of registration by the Land Registry. With effect from the date of issue of the certificate, the owners for the time being shall be a body corporate with perpetual succession and the new MC shall be deemed to be the first MC of the OC.

Section 7(1)

Section 8(1)

Section 8(1A)

Section 8(2)

After an OC has been formed

- The Land Registry shall maintain a register of OCs and permit any person to inspect the register at any reasonably time. The register contains the following particulars -
 - ◆ the name of the OC;
 - ◆ the name (if any) and address of the building;
 - ◆ the address of the registered office of the OC;
 - ◆ the name and address of the MC chairman, vice-chairman (if any), secretary and treasurer;
 - ◆ the name and address of other MC members.
- An OC shall have a common seal, the affixing of which shall be authenticated by the signature of the MC chairman and secretary.
- An OC shall have a registered office in Hong Kong.
- An OC shall display in a prominent place in the building the following documents –
 - ◆ a copy of the certificate of registration of the OC;
 - ◆ a notice of registered office of the OC (if the office is located in the building);
 - ◆ a copy of the notice of registered office of the OC (if the office is not located in the building).

OCs usually set up offices in their own buildings.

Section 12(1) and (2)

Section 8(3)

Section 8(4)

Section 11(1)

- Where the registered office of an OC is not location in the building, the MC shall display a notice of registered office in a prominent place at the registered office of the OC.
- An OC shall establish and maintain a general fund. It shall open and maintain an interest-bearing account and use that account exclusively in respect of the management of the building. (Please see Chapter 9 for details about the financial arrangements for OC)
- An OC shall procure and keep in force third party risks insurance in relation to the common parts of the building and the property of the corporation.
- The MC secretary shall maintain a register containing the name and address of each owner in the building.
 - ◆ Where any flat is subject to a mortgage, the secretary shall also enter in the register the name and address of the registered mortgagee.
 - ◆ The address of an owner shall be the address of the flat which he owns and the address of a registered mortgagee shall be his address appearing in the registered mortgage, unless the owner or registered mortgagee notifies the MC secretary in writing of some other address.
 - ◆ The MC secretary shall from time to time amend the register to incorporate any change to the particulars of owners and registered mortgagees.

Section 11(1A)

**Section 20(1)
and (3)**

Section 28

Section 38

Chapter 4 Appointment of Members of a Management Committee

At a meeting of owners convened under section 3, 3A or 4, after an MC has been appointed, the owners should vote on the following resolutions as specified in the notice of meeting –

- to resolve on the number of MC members;
- to resolve on the appointment of MC members;
- to resolve on the establishment of the office of the MC vice-chairman;
- to resolve on the appointment of MC chairman, vice-chairman (subject to the passage of a resolution on the establishment of the office), secretary and treasurer.

Number of MC members

At a meeting of owners, the owners shall, by a resolution passed by a majority of votes of the owners, decide the number of MC members.

The number of MC members shall comply with the following requirements –

No. of flats in a building	No. of members
Not more than 50	Not less than 3
More than 50 but not more than 100	Not less than 7
More than 100	Not less than 9

For the purposes of determining the minimum number of MC members, “flats” does not include any garage, carpark or carport.

Para 2(1)(a) of Sch. 2

Para 1(1) of Sch. 2

Para 1A of Sch. 2

If owners want to change the number of MC members, they may do so by a resolution passed at a general meeting of the corporation.

At a meeting of owners convened under section 3, 3A or 4, the owners shall, by a resolution passed by a majority of votes of the owners, decide the number of MC members. If owners want to change the number of MC members, they may do so by a resolution passed by a majority of votes at a general meeting of the corporation.

How to determine whether a resolution is passed by a majority of votes of the owners? Should abstentions be counted?

In determining whether a resolution is passed by a majority of the votes of owners, the following shall be disregarded –

- ✗ owners who are not present at the meeting;
- ✗ owners who are present at the meeting but do not vote;
- ✗ blank or invalid votes;
- ✗ abstentions.

It should be noted that a proxy appointed by an owner to attend and vote on behalf of the owner at a meeting shall be treated as being the owner present at the meeting.

Para 1(3) of Sch. 2

Section 2B

Appointment of MC members

Having decided the number of MC members, the owners shall, by a resolution, appoint, from amongst the owners, MC members.

The “first past the post” voting system shall be used in appointing MC members. Under the system –

Para 2(1)(b) of Sch. 2

Para 2(3) of Sch. 2

- Where the number of candidates is not more than the number of MC members, the candidates shall be deemed to be elected uncontested and no votes shall be given.
- Where there are more candidates than the number of MC members, votes shall be given. The candidates to be appointed as MC members are those who obtain the greatest number of votes and then the next greatest and so on. For example, if the number of MC members is 9, then the 9 candidates with the greatest number of votes shall be appointed as MC members.
- Before voting, the person who presides at the meeting should remind owners that they shall not vote for more than the number of MC members. In other words, if the number of MC members is 9, the owners may not vote for more than 9 candidates.
- After the counting is finished, if there is an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed as an MC member.

An approved association can be formed by occupiers of the building with the approval of the Authority (i.e. Secretary for Home and Youth Affairs). It may, by a resolution passed by a majority of the votes of the members, appoint an occupier as the tenants' representative. The appointed representative shall be deemed to be appointed as an MC member.

**Section 15 and
para 2(2) of Sch. 2**



Quiz

Do you know how the “first past the post” voting system works?

Q: Suppose the number of MC members is 3 and there are 4 candidates and the voting result is as follows. Who shall be appointed as MC members?

Candidate A	130 votes
Candidate B	200 votes
Candidate C	90 votes
Candidate D	160 votes

A: Candidates A, B and D shall be MC members as they obtain the greatest number of votes.

Q: Assuming that the votes obtained by the 4 candidates are as follows. Who shall be appointed as MC members?

Candidate A	130 votes
Candidate B	200 votes
Candidate C	130 votes
Candidate D	160 votes

A: Candidates B and D who obtain the greatest number of votes shall be appointed as MC members. As Candidates A and C have an equal number of votes, the voting result shall be determined by drawing lots. The candidate on whom the lot falls is to be appointed as MC member.

Eligibility for appointment as MC members

All MC members, except the tenants' representative, shall be owners of the building.

With the exception of the tenants' representative, a person is not eligible to be appointed as an MC member if he –

Para 4(1) of Sch. 2

- is an undischarged bankrupt;
- has, within the previous 5 years, either obtained a discharge in bankruptcy or entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his creditors, in either case without paying the creditors in full;
- has, within the previous 5 years, been convicted of an offence in Hong Kong or any other place for which he has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine.

With the exception of the tenant's representative, every MC member shall, within 21 days after their appointment, make a statement in a specified form [L.R. 175] (Appendix 3), to state that he does not fall within the description of the above paragraph, and lodge the signed statement with the MC secretary.

Para 4(3) of Sch. 2

- An MC member who fails to comply with the requirements shall cease to be such member.
- The statement is available at the offices of the Land Registry and District Offices. It can also be downloaded from the following website –
www.landreg.gov.hk
www.buildingmgt.gov.hk
- The statement shall be signed by an MC member 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 such as a family member, a neighbour or another MC member. The MC member may lodge the statement in or outside Hong Kong.

Para 4(4) of Sch. 2

- As the application for registration of owners as an OC shall be accompanied by the statement of each MC member, the MC secretary shall, after receiving the statements from the MC members, cause the statements to be lodged with the Land Registry within the period of 28 days after the appointment of the MC.

If an owner is a body corporate, can it be appointed as an MC member?

Yes. Where a body corporate is appointed as an MC member, that body corporate may appoint any person to act as its representative (“authorized representative”).

Like any other MC members, an authorized representative shall also make a statement and lodge the signed statement with the MC secretary. If the authorized representative fails to do so, he shall cease to be an MC member and the body corporate may appoint another authorized representative in his place.

**Section 7(3) and
para 4(6)(a)
of Sch. 2**

Para 11 of Sch. 2

Appointment of MC chairman, vice-chairman (if any), secretary and treasurer

After the appointment of MC members, the owners shall appoint the MC chairman, secretary and treasurer by a resolution passed at the same meeting. It is a must to make appointment to these three offices.

The owners may, by a resolution, appoint a vice-chairman of the MC. Owners may decide whether to establish the office of a vice-chairman.

The MC chairman and vice-chairman (if any) shall be MC members while the secretary and treasurer need not be MC members or owners.

**Para 2(1)(c) and
(d) of Sch. 2**

The “first past the post” voting system shall be used in the appointment of the MC chairman, vice-chairman (if any), secretary and treasurer. Under the system –

- Where there is only one candidate for each of these offices, the candidate shall be deemed to be elected uncontested and no votes shall be given.
- Where there is more than one candidate, votes shall be given and the candidate who obtains the greatest number of votes shall be appointed.
- Where there is an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots and the candidate on whom the lot falls is to be appointed.

If the MC secretary or treasurer is not an MC member, he does not become an MC member by virtue of his appointment as secretary or treasurer.

Term of office of MC members

The MC shall convene the first annual general meeting of the OC not later than 15 months after the date of the registration of the OC. The MC shall thereafter convene another annual general meeting between 12 and 15 months after each annual general meeting.

All the members (except the tenants’ representative) and the secretary and treasurer of the first MC shall retire from office at the second annual general meeting. The OC shall appoint the members, chairman, vice-chairman (if any), secretary and treasurer of a new MC at the same annual general meeting.

Para 2(4) of Sch. 2

Para 2(5) of Sch. 2

Para 1(1) of Sch. 3

**Para 5(1) and (2)
of Sch. 2**

Thereafter at every alternate annual general meeting (i.e. the fourth, sixth, eighth annual general meeting of the OC and so on), all the members (except the tenants' representative) and the secretary and treasurer of the MC shall retire from office. The OC shall appoint the members, chairman, vice-chairman (if any), secretary and treasurer of the new MC at the same annual general meeting.

An MC member who retires from office shall, within 14 days of his retirement, hand over to the MC secretary the following items in his custody in respect of the control, management and administration of the building –

- Any books or records of account, papers, documents, other records; and
- Any movable property that belongs to the OC.

If the office of the secretary is vacant, the MC member who retires from office shall hand over the relevant items to the MC chairman.

Appointment of MC members in subsequent annual general meetings

The requirements above which relate to the appointment of the members, chairman, vice-chairman (if any), secretary and treasurer of the first MC are also applicable to the appointment of the same in subsequent alternate annual general meetings. In other words, at every alternate annual general meeting, the owners shall make appointment to the above offices by the “first past the post” voting system.

Para 5A of Sch. 2

Para 5 of Sch. 2



It should be noted that the “first past the post” voting system is only applicable to the following two appointments –

- (a) the appointment of MC members, chairman, vice-chairman (if any), secretary and treasurer at the meeting of owners convened for the purposes of appointing an MC and forming an OC; **and**
- (b) the appointment of MC members, chairman, vice-chairman (if any), secretary and treasurer at the general meeting of the OC.

All other resolutions passed at a general meeting of the OC (except a resolution to change the name of the corporation) shall be by a majority of the votes of the owners.

Para 3(3) of Sch. 3

The above eligibility criteria for MC members are also applicable to members of the new MC.

With the exception of the tenants' representative, every MC member appointed at subsequent alternate annual general meetings shall, within 21 days after the appointment, make a statement in a specified form [L.R.175] (Appendix 3) and lodge the signed statement with the MC secretary.

Para 4(3) of Sch. 2

- An MC member who fails to comply with the requirement shall cease to be such member.
- The MC secretary shall, within 28 days after receiving a statement from an MC member, lodge the statement with the Land Registry.

Para 4(4) of Sch. 2

Para 4(6)(b) of Sch. 2

As the register of OCs kept by the Land Registry contains the name and address of the MC chairman, vice-chairman (if any), secretary, treasurer and other members, the MC shall, within 28 days after the appointment of the new MC members, notify the Land Registry of the changes in a specified form [L.R.124] (Appendix 4).

Section 12(3)

Chapter 5 Management Committee

Powers and duties of an MC

Day-to-day business of an OC is mostly handled by an MC. Subject to the BMO, the powers and duties conferred or imposed by the BMO on the OC shall be exercised and performed on behalf of the OC by the MC.

In addition to the above, the BMO has conferred or imposed certain powers and duties on the MC. These include –

- Convening the annual general meetings of the OC regularly;
- Organizing meetings of the MC regularly;
- Preparing financial statements of the MC regularly, which together with the accountant's report (if auditing is required under the BMO), once ready, shall be displayed in a prominent place in the building as soon as reasonably practicable, and laid before the OC at the annual general meetings of the OC to be held immediately thereafter;
- Preparing budgets of the OC, determining the amount to be contributed by the owners to the general fund and the contingency fund, and certifying matters relating to payment of contributions;
- Keeping and permitting the persons designated under the BMO to inspect -
 - ◆ books or records of account, and other financial records (accounting documents);
 - ◆ all bills, invoices, vouchers, receipts and other documents referred to in the accounting documents;
 - ◆ the policy of insurance and any receipt for the premium in respect of that policy;
 - ◆ procurement documents including tender document, copy of contract, statement of account and invoice;
 - ◆ a copy of all declarations related to procurement;

Section 29

Para 1(1) of Sch. 3

Para 7 of Sch. 2

Section 27(1) and (7)

Sections 21(1), 26 and Sch. 5

Sections 27(5) and 27B(1)

Para 1A of Sch. 6

Section 28(4)

Sections 28B and 28C

Paras 6, 15, 21 & 27 of Sch. 6B

- ◆ certified minutes of MC meetings and OC meetings.
- Maintaining the following documents -
 - ◆ the instruments for the appointment of proxies to attend a general meeting of the OC;
 - ◆ the notices of authorizing natural persons by corporate flat owners to attend general meeting of the OC(authorization notices) .
- Displaying the following documents in a prominent place in the building -
 - ◆ a copy of the certificate of registration of the OC and a notice of registered office of the OC;
 - ◆ a notice containing the particulars of the legal proceedings to which the OC is a party;
 - ◆ a notice of insurance containing the particulars of the policy;
 - ◆ a copy of the financial statements, and accountant's reports (if the financial statements are required to be audited) ;
 - ◆ a copy of invitation to tender;
 - ◆ notice of declarations related to procurement;
 - ◆ certified minutes of MC meetings and OC meetings.

**Paras 10(4) and 10A of
Sch. 2, Para 6A of Sch. 3**

Section 36A

Section 36A

Section 11(1)

Section 26A

Section 5(3), Cap.344B

Section 27(7)

Para 3, Sch. 6A

**Paras 4 and 13
of Sch. 6B**

**Para 10(4B) of Sch. 2
and para 6(3) of Sch. 3**

Powers and duties of the MC chairman, vice-chairman (if any), secretary and treasurer

The BMO also specifies the powers and duties of the MC chairman, vice-chairman, secretary and treasurer.

MC chairman

- Convene and preside at meetings of the MC;
- Preside at general meetings of the OC;
- Convene and hold a general meeting of the OC at the written request of not less than 5% of the owners;
- Convene a general meeting of the OC for the purposes of filling the vacancies in the MC if the number of vacancies is more than 50% of the number of MC members;
- Determine the validity of the instruments for the appointment of proxies and the authorization notices to attend a general meeting of the OC;
- If the office of the secretary is vacant,
 - ◆ receive written notice of resignation delivered by MC members;
 - ◆ receive from any outgoing MC member any books or records of account, papers, documents and other records of the OC together with any movable property that belongs to the OC;
 - ◆ sign the financial statements of the OC.

Para 8(1) and 10(1) of Sch. 2

Para 3(1) of Sch. 3

Para 1(2) of Sch. 3

Para 6A of Sch. 2

Para 4(5)(b) and 4A(5)(b) of Sch. 3

Para 4(2)(d) of Sch. 2

Para 5A of Sch. 2

Section 27(2)(b)(i)

MC vice-chairman (if any)

- In the absence of the MC chairman,
 - ◆ convene and preside at meetings of the MC;
 - ◆ preside at general meetings of the OC.

Para 8 of Sch. 2

Para 3(1) of Sch. 3

MC secretary

- Give notice of meetings of the MC and general meeting of the OC and display such notice in a prominent place in the building.
Para 8(2) of Sch. 2 and para 2 of Sch. 3
- Keep minutes of the proceedings at the every meeting of the MC and OC.
Para 10(4) of Sch. 2 and para 6(1) of Sch. 3
- Convene and hold a meeting of the MC at the request of 2 MC members.
Para 8(1)(b) of Sch. 2
- Lodge the statement from an MC member with the Land Registry after receiving the completed statement.
Para 4(6) of Sch. 2
- Where an instrument for the appointment of a proxy and an authorization notice for authorizing a natural person for attending a general meeting of the OC is received,
Para 4(5)(a) and 4A(5)(a) of Sch. 3
 - ◆ acknowledge receipt of the instrument and notice;
 - ◆ display, in a prominent place in the place of the meeting, a list setting out every flat in respect of which a proxy and an authorized natural person has been appointed by the owner.
Para 4(5A)(a) and 4A(6)(a) of Sch. 3
- Receive written notice of resignation delivered by MC members.
Para 4(2)(d) of Sch. 2
- Receive from any outgoing MC member any books or records of account, papers, documents and other records of the OC together with any movable property belonging to the OC that are in his custody.
Para 5A of Sch. 2

- Give notice to the Land Registry of any change in respect of the particulars of the policy of third party risks insurance (i.e. name and address of the insurance company and the period covered by the policy of insurance) in such form as the Land Registrar may specify.

- Maintain a register of owners and update the register from time to time.

- Sign the financial statements of the OC (or signed by the treasurer).

MC treasurer

- Prepare a summary of the income and expenditure of the OC and display a copy of the summary in a prominent place in the building.

- Sign the financial statements of the OC (or signed by the secretary).

**Section 12(3) and
Section 28(6A)**

Section 38

Section 27(2)(b)(ii)

Para 2 of Sch. 6

Section 27(2)(b)(ii)

Protection of MC participants

If MC participants (i.e. MC members and the secretary and the treasurer who may not MC members) act in good faith and in a reasonable manner, they shall not be personally liable for –

- Any act done or default made by the OC in the exercise of its powers or the performance of its duties; or
- Any act done or default made on behalf of the OC in the exercise of its powers or the performance of its duties under the OC.

It should be noted that this protection provision shall not in any way affect the liability of the OC for that act or default.

Section 2(4) and
29A(1)

Section 29A(2)



Quiz

Under what circumstances is this protection provision for MC participants applicable?

Q: If an MC participant has committed a default in the exercise of the powers conferred on him or in the performance of the duties imposed on him by the BMO, can he invoke this protection provision?

For example, if the MC chairman fails to convene a general meeting of the OC pursuant to the BMO after receiving the request of not less than 5% of the owners, can this protection provision be invoked?

A: This protection provision cannot be invoked in this case. It only applies to circumstances where an MC participant **exercises or performs the powers and duties on behalf of the OC. To convene a general meeting of the OC at the request of not less than 5% of the owners is a **personal duty** imposed by the BMO on the MC chairman, not the OC. **Under such circumstances, this provision is not applicable.****

Para 1(2) of Sch. 3

Allowances for the MC chairman, vice-chairman, secretary and treasurer

The OC may, by resolution passed at a general meeting of the OC, approve the payment of allowances to the MC chairman, vice-chairman (if any), secretary and treasurer and determine the amount of such allowances, which in aggregate shall not exceed the maximum per month for each person as set out below –

No. of flats in a building	Maximum per month for each person
Not more than 50	\$600
More than 50 but not more than 100	\$900
More than 100	\$1,200

**Section 18(2)(aa) and
Sch. 4**



Chapter 6 Meetings of Management Committee

An MC meeting shall be convened at least once in every period of 3 months.

Para 7 of Sch. 2

Convening an MC meeting

- An MC meeting may be convened at any time by the MC chairman or the MC vice-chairman (if any) in the absence of the MC chairman.
- An MC meeting shall be convened by the MC secretary, at the written request of any 2 MC members, within 14 days of receiving such request, and held within 21 days of receiving such request.

Para 8(1) of Sch. 2

What is the difference between convening and holding a meeting?

For this purpose, convening a meeting means giving notice of meeting, while holding a meeting means causing it to actually take place.

Notice of meeting

- The MC secretary shall, at least 7 days before the date of the MC meeting -
 - ◆ give notice of the meeting to each MC member and (if the treasurer is not a member of the MC) the MC treasurer; and
 - ◆ display the notice of meeting in a prominent place in the building.
- The notice of meeting may be -
 - ◆ delivered personally to the addressee;

Para 8(2) of Sch. 2

Para 8(2A) of Sch. 2

- ◆ sent by post to the addressee at his last known address; or
- ◆ left at the flat of the addressee or deposited in the letter box for that flat.
- The notice of meeting shall specify -
 - ◆ the date, time and place of the meeting; and
 - ◆ the resolutions that are to be proposed at the meeting.

Para 8(2AA) of Sch. 2

Quorum

- 50% of the members of the MC (rounded up to the nearest whole number) or 3 such members, whichever is the greater.

Para 9 of Sch. 2

Presiding over a meeting

- An MC meeting shall be presided over by -
 - ◆ the MC chairman;
 - ◆ in the absence of the MC chairman, the MC vice-chairman (if any); or
 - ◆ in the absence of the MC chairman and vice-chairman (if any), a member appointed as chairman for that MC meeting by the MC.

Para 10(1) of Sch. 2

Voting at a meeting

- All matters raised in an MC meeting may be decided by a resolution passed by a majority of the votes of the MC members present at the meeting.

Para 10(2) of Sch. 2

In determining whether a resolution is passed by a majority of the votes of the MC members, the following shall be disregarded –

- ✗ MC members who are not present at the meeting;
- ✗ MC members who are present at the meeting but do not vote;
- ✗ blank or invalid votes;
- ✗ abstentions.

Section 2B

- Each MC member shall have one vote on each resolution.
- If there is an equality of votes, the person presiding over the meeting shall have, in addition to a deliberative vote, a casting vote.

Para 10(3) of Sch. 2

Meeting procedure

Subject to the requirements under the BMO, the procedure at MC meetings shall be determined by the MC.

Para 11A of Sch. 2

Minutes of meeting

- The minutes of the proceedings at every MC meeting shall be certified by the person presiding over the meeting as containing a true record of the proceedings of the meeting.
- The MC shall display the certified minutes in a prominent place in the building within 28 days from the date of the MC meeting for 7 consecutive days.
- The MC shall keep the certified minutes during the period of 6 years after the date on which they are certified in accordance with the BMO.
- Any of the following persons may request in writing to the OC to supply him with copies of any certified minutes –
 - ◆ an owner;
 - ◆ the tenants' representative;
 - ◆ a registered mortgagee; or
 - ◆ any person duly authorized in writing by an owner or a registered mortgagee.

The MC shall supply the requestors with a copy of the document within 28 days after the date on which the request is made. A reasonable copying charge may be imposed if the MC supplies the document in hard copy. The MC must not impose any charges for supplying the requestors with the copy in electronic form.

The copying charge shall be determined by the MC. To enhance transparency in its operation, the MC is advised to set the copying charge at a low level.

Para 10(4A) of Sch. 2

Para 10(4B) of Sch. 2

Section 36A

Para 10A of Sch. 2

Chapter 7 Filling Vacancies of a Management Committee

An MC member's term of office is normally about 2 years.

At the second annual general meeting of an OC and thereafter at every alternate annual general meeting (i.e. the fourth, sixth, eighth annual general meeting of an OC and so on), all members (except the tenants' representative), and the secretary and treasurer of the MC, shall retire from office. The OC shall appoint the members, chairman, vice-chairman (if any), secretary and treasurer of the new MC at the same annual general meeting.

Para 5 of Sch. 2

Ceasing to be an MC member

An MC member, irrespective of his term of office, shall cease to be a member of the MC with immediate effect if he –

Para 4(2) of Sch. 2

- (a) is declared bankrupt;
- (b) enters into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his creditors without paying the creditors in full;
- (c) is convicted of an offence in Hong Kong or any other place for which he is sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine;



It should be noted that if there is any change to an MC member's circumstances as mentioned in (a), (b) or (c) above –

- he shall, within 21 days after the change occurs, make a statement in a specified form [L.R.176] (Appendix 5) to state the particulars of the change and lodge the signed statement with the MC secretary.
- the MC secretary shall lodge with the Land Registry the statement made by the MC member within 28 days after receiving it.

The statement requirement does not apply to the tenants' representative. Besides, the tenants' representative will not cease to be an MC member even if there is a change to his circumstances as mentioned in (a), (b) or (c) above.

Paras 4(5), 4(6)(b) and (7) of Sch. 2

- (d) fails to lodge, within 21 days after his appointment as an MC member (except the tenants' representative), with the MC secretary a statement in a specified form [L.R.175] (Appendix 3);
- (e) becomes incapacitated by physical or mental illness;
- (f) absents himself from 3 or more consecutive meetings of the MC without the consent of the MC;
- (g) resigns his office, by notice in writing delivered to the MC secretary;
- (h) ceases to be an owner, if appointed as an MC member in his capacity as an owner;
- (i) ceases to be an occupier of a flat, if deemed to be appointed as an MC member in his capacity as the tenants' representative; or

Para 4(4) of Sch. 2

Para 4(2) of Sch. 2

If it is the MC secretary who resigns, or the office of the MC secretary is vacant, the member who resigns his office shall do so by delivering the notice in writing to the MC chairman.

- (j) is removed from office by a resolution of the OC.

How can an OC remove from office and replace any MC members?

- An OC may remove from office and replace any MC member (other than a member who is the tenants' representative) by a resolution passed by a majority of the votes of the owners at a general meeting of the OC.
- It should be noted that the OC shall appoint, at the meeting at which such resolution is passed, new members, so that the number of MC members will comply with the minimum requirement stipulated in paragraph 1 of Schedule 2 to the BMO -

No. of flats in a building	No. of members
Not more than 50	Not less than 3
More than 50 but Not more than 100	Not less than 7
More than 100	Not less than 9

- If a number of MC members are removed and new members are not appointed in their place such that the number of the remaining MC members falls below the number required under paragraph 1 of Schedule 2, the resolution for their removal shall not have effect.

Section 14(2) and (3)

An MC member who ceases to be such member shall, within 14 days of his ceasing to be a member, hand over to the MC secretary the following items in his custody in respect of the control, management and administration of the building –

- Any books or records of account, papers, documents and other records; and
- Any movable property that belongs to the OC.

Para 5A of Sch. 2

In case the office of the MC secretary is vacant, the MC member who ceases to be such member shall hand over the items required to the MC chairman.

Filling a vacancy in an MC

A vacancy will occur in an MC if any of its members ceases to be such member for whatever reasons. With the exception of the vacancy caused by the tenants' representative ceasing to be an MC member, a vacancy in an MC which occurs other than by reason of the expiration of the term of office may be filled by the OC or the MC.

Para 6(1) of Sch. 2

Vacancies to be filled by the OC

- If the vacancy occurs in the officer of an MC member, the OC may appoint an owner to fill the vacancy by a corporation resolution.
- If the vacancy occurs in the office of the chairman, vice-chairman (if any), secretary or treasurer of the MC, the OC may, by a corporation resolution, appoint –
 - ◆ a person, from amongst the MC members, to fill the vacancy of the chairman or vice-chairman (if any);
 - ◆ a person to fill the vacancy of the secretary or treasurer.

Para 6(3)(a) of Sch. 2

**Paras 6(4)(a) and
6(5)(a) of Sch. 2**

- The vacancy in the office of an MC member shall be filled by an owner whereas that of the chairman and vice-chairman (if any) shall be filled by an MC member.

- The secretary and treasurer need not be MC members or owners. If the secretary and treasurer are not MC members, they shall not become MC members by virtue of their appointment to these two offices.

- Their terms of office will be the same as that of the existing MC members. In other words, their terms will last till the next annual general meeting of the OC at which all members of the MC retire.

- The “first past the post” voting system shall be used in filling the vacancy occurring in the office of the MC member, chairman, vice-chairman, secretary or treasurer at a general meeting of the OC. That is –

- ◆ where the number of candidates is not more than the number of vacancies, the candidates shall be elected uncontested and no votes shall be given.
- ◆ where the number of candidates is more than the number of vacancies, votes shall be given and candidates who obtain the greatest number of votes shall be appointed.
- ◆ before voting, the person who presides at the meeting should remind the owners that the number of candidates they vote for shall not be more than the number of vacancies.
- ◆ after the counting is finished, if there is an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed.

Para 6(6) of Sch. 2

Paras 6(3)(a), 6(4)(a) and 6(5)(a) of Sch. 2

Paras 6(7) and 6(8) of Sch. 2

Vacancies to be filled by the MC

- If no general meeting of the OC has been convened or no appointment is made to fill the vacancy at a general meeting of the OC, the vacancy may be filled by the MC.
- The MC may make an appointment to fill the vacancy in the office of a member or the chairman, vice-chairman (if any), secretary and treasurer of the MC by a resolution passed by a majority of votes at a meeting of the MC.
- The vacancy in the office of an MC member shall be filled by an owner whereas that of the MC chairman or vice-chairman (if any) by an MC member.
- The MC secretary and treasurer need not be MC members of owners. If the person appointed to fill the vacancy of the MC secretary or treasurer is not an MC member, he does not by virtue of his appointment as the MC secretary or treasurer become an MC member.
- It should be noted that the appointment made by the MC to fill the vacancy only lasts till the next general meeting of the OC.

Paras 6(3)(b), 6(4)(b) and 6(5)(b) of Sch. 2

Para 6(6) of Sch. 2

Paras 6(3)(b), 6(4)(b) and 6(5)(b) of Sch. 2

What is the difference between filling a vacancy at a general meeting of the OC or by the MC?

	Filling a vacancy at a general meeting of the OC	Filling a vacancy by the MC
Term of office	Till the next annual general meeting of the OC at which the MC members retire	Till the next general meeting of the OC
Voting system	“First past the post” voting system	A resolution passed by a majority of votes

What if the vacancy is caused by the tenants' representative ceasing to be an MC member? Can it be filled by a general meeting of the OC or by the MC?

The vacancy of the tenants' representative cannot be filled by a general meeting of the OC or by the MC. If the vacancy is caused by the tenants' representative ceasing to be an MC member for whatever reason, the approved association referred to in section 15(2) may appoint a new tenants' representative to fill the vacancy by a resolution passed by a majority of votes.

Para 6(1A) of Sch. 2

Filling vacancies under special circumstances

Where the number of vacancies in the offices of MC members is more than 50% of the number of MC members as decided by owners at the general meeting of the OC, the MC cannot meet the quorum requirement for holding an MC meeting and it cannot pass any resolution.

Under such circumstances, the vacancies can be filled in the following ways –

Para 6A(1) of Sch. 2

- The MC chairman may convene a general meeting of the OC for the purpose of filling the vacancies in the MC; or
- Where the office of the MC chairman is vacant, the remaining members of the MC may appoint a person from amongst themselves to convene a general meeting of the OC for the purpose of filling the vacancies.

At a general meeting of the OC so convened, the owners may, by a resolution, fill the vacancies in the offices of the MC members, chairman, vice-chairman (if any), secretary or treasurer. The “first past the post” voting system shall be used in making such appointment.

**Para 6A(2)(a) of
Sch. 2**

It should be noted that such a general meeting of the OC may only be convened for the sole purpose of filling the vacancies in the MC. At the general meeting, resolutions that are not related to filling the vacancies cannot be passed.

**Para 6A(1) of
Sch. 2**

At a general meeting of the OC so convened –

- Where the office of MC secretary is vacant, the MC chairman shall be responsible for the duties of the secretary, e.g. giving notices of meetings and receiving instruments of proxy;
- Where the office of MC chairman is vacant, the convenor appointed by the remaining members of the MC shall be responsible for the duties of the chairman, e.g. presiding over a meeting and deciding whether an instrument of proxy is valid; or
- Where both the offices of the MC chairman and secretary are vacant, the convenor appointed by the remaining members of the MC shall be responsible for the duties of both the chairman and secretary.

**Para 6A(2)(b) of
Sch. 2**

Where the number of vacancies in the offices of MC members is more than 50% of the number of MC members as decided by the owners at the general meeting of the OC, can the vacancies be filled by the MC or OC at a general meeting, as in normal circumstances, in accordance with paragraph 6 of Schedule 2 to the BMO?

Where the number of vacancies in the offices of the MC members is more than 50% of the number of MC members –

- the vacancies cannot be filled by the MC. The quorum at a meeting of the MC is 50% of the members of the MC or 3 such members, whichever is the greater. If the number of vacancies in the offices of MC members is more than 50% of the number of MC members, the MC cannot meet the quorum requirement for holding an MC meeting and it cannot pass any resolution.
- where the MC chairman is still in office, not less than 5% of the owners may request the chairman to convene a general meeting of the OC under paragraph 1(2) of Schedule 3 to the BMO to fill the vacancies in the MC. The following conditions must be satisfied if vacancies are filled in such way –
 - ◆ the MC chairman is still in office; and
 - ◆ not less than 5% of the owners request a general meeting to be convened for filling the vacancies.

The vacancies cannot be filled in such a way if any one of the conditions is not met. Under the circumstances, vacancies can be filled in accordance with paragraph 6A of Schedule 2 to the BMO mentioned above.

Follow-up work after filling vacancies of MC

Whether the vacancy is filled by the OC at a general meeting or by the MC, or is filled under special circumstances, the MC member so appointed shall make a statement in a specified form [L.R.175] (Appendix 3) to state that he does not fall within the following descriptions –

Para 4(3) of Sch. 2

- An undischarged bankrupt;
- One who has, within the previous 5 years, either obtained a discharge in bankruptcy or entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his creditors, in either case without paying the creditors in full;
- One who has, within the previous 5 years, been convicted of an offence in Hong Kong or any other place for which he has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of fine.

The MC member who has filled the vacancy shall, within 21 days after the appointment, make a statement and lodge it with the MC secretary.

- The MC member shall cease to be such member if he fails to comply with the above requirement.
- The MC secretary shall lodge the statement with the Land Registry within 28 days after receiving the statement.

As the register of OCs kept at the Land Registry contains the name and address of the MC chairman, vice-chairman (if any), secretary, treasurer and other members, the MC shall, within 28 days after the vacancy is filled, notify the Land Registry of the changes in a specified form [L.R.124] (Appendix 4).

Para 4(4) of Sch. 2

**Para 4(6)(b)
of Sch. 2**

Section 12(3)

Chapter 8 General Meetings of Owners' Corporation

Convening a general meeting of the OC

- Annual General Meeting -
 - ◆ the MC shall convene the first annual general meeting of the OC not later than 15 months after the date of the registration of the OC;
 - ◆ thereafter, the MC shall convene an annual general meeting within 12 to 15 months after the date of the previous annual general meeting.
- The MC shall convene a general meeting of the OC at any time for such purposes as it thinks fit.
- The MC chairman shall convene a general meeting of the OC at the written 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.
 - ◆ 5% of the owners should be determined on the basis of the number of owners, but not on the basis of the shares owned by the owners.

What is the difference between convening and holding a meeting?

In this case, convening a meeting means giving notice of the meeting, whereas holding a meeting means causing it to actually take place.

- Where the number of vacancies occurring in the offices of MC members is more than 50% of the number of MC members, the MC chairman (if the office of the MC chairman is vacant, the person appointed from amongst the remaining MC members) may convene a general meeting of the OC and at such general meeting only the resolutions with regard to filling the vacancies shall be passed.

Para 1(1) of Sch.3

Para 1(2) of Sch.3

Section 5B and Sch. 11

Para 6A of Sch. 2

Notice of meeting

The 14-day notification period includes the day of issue of the notice of meeting, but excludes the day of the meeting. Public holidays, Saturdays and Sundays are included. Despite the above, it is always advisable to allow a few more days in giving the notice of meeting.

- The MC secretary shall, at least 14 days before the date of the general meeting of the OC,
 - ◆ give notice of the meeting to each owner and the tenants' representative (if any); and
 - ◆ display the notice of meeting in a prominent place in the building.
- The notice of meeting given by the MC secretary may be -
 - ◆ delivered personally to the addressee;
 - ◆ sent by post to the addressee at his last known address; or
 - ◆ left at the flat of the addressee or deposited in the letter box for that flat.
- The notice of meeting shall specify -
 - ◆ the date, time and place of the meeting; and
 - ◆ the resolutions that are to be proposed at the meeting or other matters that are to be discussed at the meeting.

Para 2(1) of Sch. 3

Para 2(2) of Sch. 3

Para 2(1A) of Sch. 3

**Para 2(1AA)
of Sch. 3**

Para 3(7) of Sch. 3



It should be noted that no resolution passed at any general meeting of the OC shall have effect unless the same was set forth in the notice of meeting or is ancillary or incidental to a resolution or other matter so set forth.

- If a resolution involving large-scale maintenance procurement (for the relevant definition, please refer to Chapter 10) is proposed in the meeting –
 - ◆ the statement of the proposed resolution for the large-scale maintenance procurement must be specified with the title “Important Reminder” (in English) and “重要提示” (in Chinese);
 - ◆ the notice of the meeting must, in relation to each tender that is valid, set out clearly (1) the estimated amount to be contributed from building management fund for the procurement and (2) the estimated apportioned amount that each of the owners is to contribute for the procurement in addition to the contribution from the building management funds; and
 - ◆ if the resolution for the proposed large-scale maintenance procurement concerns whether a contract entered into is to be varied, terminated or avoided, and it is anticipated that the owners will incur financial liabilities, the notice of meeting must set out clearly (1) the estimated amount to be contributed from each building management fund for settling the costs; and (2) the estimated apportioned amount that each owner has to contribute for settling the costs in addition to the contribution from the building management funds.

Please refer to Appendix 19 for the sample of the notice of meeting.

Para 3 of Sch. 6C

Person presiding over a meeting

- A general meeting of the OC shall be presided over by -
 - ◆ the MC chairman; or
 - ◆ in the absence of the MC chairman, the MC vice-chairman (if any);
 - ◆ in the absence of the MC chairman and vice-chairman (if any), a person appointed by the owners present at the meeting from amongst themselves.

Para 3(1) of Sch. 3

Quorum

- Normally 10 % of the owners;
- 20% of the owners, in the case of dissolving the MC and appointing an administrator under section 30 of the BMO.

Para 5(1) of Sch. 3

How to count the quorum?

The quorum should be counted on the basis of the number of owners, but not on the basis of the shares owned by the owners. For instance, if the total number of owners is 100, then normally the quorum of a general meeting of the OC is 10.

**Section 5B and
Sch. 11**

How to count the number of owners?

Form	Illustration	To be counted as
Multiple ownership of 1 flat	1 flat with 3 co-owners	1 owner
1 owner owning a number of flats	1 owner owning 35 flats	1 owner
Person holding proxy	1 person holding a proxy from 1 owner	1 owner
	1 owner holding a proxy from another owner	2 owners
	1 person holding proxies from 100 owners	100 owners
	35 persons holding proxies from 100 owners in aggregate	100 owners

Sch. 11

Appointment of proxy

- At a general meeting of the OC, an owner may cast a vote personally or by proxy. A proxy appointed by an owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting.
- The instrument appointing a proxy shall be in the statutory form set out in Form 2 in Schedule 1A to the BMO (Appendix 6).

Para 4(1) and 5(2)
of Sch.3

Para 4(2) of Sch. 3

Many OCs will prepare proxy forms for use by owners –

- The MC must ensure that the proxy form it prepared is in the statutory form set out in Form 2 in Schedule 1A to the BMO.
- The proxy form may be attached to the notice of meeting or be available at the management office for use by owners.
- The MC is advised to attach to the proxy form a statement of purposes (a sample is at Appendix 7), stating the purposes of collecting personal data of owners.

- The statutory form of the instrument of proxy can be downloaded from HAD's Homepage on Building Management (www.buildingmgt.gov.hk).
- The instrument of proxy shall be lodged with the MC secretary at least 48 hours before the time for the holding of the meeting.
- Upon receipt of the instrument of proxy, the MC secretary shall -
 - ◆ issue a receipt (a sample is at Appendix 8) to all the owners who have lodged the instruments of proxy to acknowledge receipt of the instrument before the time for the holding of the meeting. The receipt may be left at the flat of the owner or deposited in the letter box for that flat.
 - ◆ prepare a list (a sample is at Appendix 9) setting out the information of all the flats with instruments of proxy lodged. The list shall be displayed in a prominent place at the place of the meeting before the time for the holding of the meeting and shall remain so displayed until the conclusion of the meeting.
- The MC chairman (or if he is absent, the person who presides at the meeting) shall determine the validity of the instrument of proxy received in accordance with the requirements under the BMO.

Para 4(3) of Sch. 3

**Para 4(5)(a)
of Sch. 3**

Para 4(5A) of Sch.3

**Para 4(5)(b)
of Sch. 3**

What are the requirements for an instrument of proxy to be valid?

- ✓ The instrument shall be in the form set out in Form 2 in Schedule 1A;
- ✓ It shall be signed by the owner, or if the owner is a body corporate (e.g. a company or a society etc.), shall be impressed with the seal or chop of the body corporate and signed by a person authorized by the body corporate for the purposes of the general meeting; and
- ✓ It shall be lodged with the secretary of the management committee at least 48 hours before the time for the holding of the meeting.

If the MC chairman has determined that certain instruments of proxy are invalid, is the MC secretary still required to issue acknowledgement receipts for these instruments and set out the information of such flats on the list (See Appendix 9 for the sample) displayed?

The MC secretary shall issue acknowledgement receipts for **all** instruments of proxy received and display a list setting out the information of the owners' flats, irrespective of the validity of the instruments.

Nevertheless, if the MC chairman has decided that certain instruments are invalid, he may contact the owners concerned and explain the matter to them. The owners may consider whether to attend the general meeting of the OC in person. In addition, the MC secretary may put a mark on the list against the flats of the owners concerned for ease of identification.

Para 4(4) of Sch. 3

**Para 4(5A)(a)
of Sch. 3**

- The MC shall keep all instruments of proxy that have been lodged with the MC secretary for a period of at least 12 months after the conclusion of the general meeting of OC, regardless of whether the instrument is valid under the BMO.

Section 36A

Authorization of natural persons by Corporate Flat Owners

- In addition to appointing a proxy, a corporate flat owner is also allowed to authorize a natural person by written notice in specified form (a sample of the authorization notice is at Appendix 10) to act for the corporate flat owner for the meeting, who will be regarded as casting a vote in the meeting personally.
- The authorization notice must be given in specified form (a sample is at Appendix 10). It can be downloaded from HAD's Homepage on Building Management (www.buildingmgt.gov.hk).
- The notice must be given to the MC secretary at least 48 hours before the time the holding of the meeting.
- After receiving an authorization notice, the MC secretary must:
 - acknowledge receipt of the notice by leaving a receipt (a sample is at Appendix 12) at the flat of the owner who made the notice, or depositing the receipt in the letter box for that flat; or by sending validly a receipt in electronic form to the corporate flat owner, before the time for the holding of the meeting.
 - set out on a list (a sample is at Appendix 13) of every flat in respect of which an authorization notice is given to the secretary for the meeting. The list must be displayed in a prominent place in the place of the meeting before the holding of the meeting until the conclusion of the meeting.
- the MC chairman (or if the chairman is absent, the person who presides at the meeting) must determine whether the authorization notice is valid according to BMO.

**Paras 4A(1), 4A(4)
& 4B(2) of Sch.3**

Para 4A(4) of Sch.3

**Para 4A(5)(a)
of Sch.3**

**Para 4A(6)
of Sch.3**

**Para 4A(5)(b)
of Sch.3**

Can a corporate flat owner appoint a proxy and authorize a natural person at the same time for a meeting?

No. According to the BMO, if the corporate flat owner has already authorized a natural person to act for it for the meeting, then it is not permitted to appoint a proxy for the meeting.

If the corporate flat owner has appointed a proxy, and then authorized a natural person to act for it for the same meeting, the instrument for appointing the proxy is regarded as revoked.

- The MC must keep all authorization notices given during the period of 3 years after the conclusion of the meeting regardless of whether the notice is valid under the BMO.

Para 4(1A) of Sch.3

Section 36A

Voting at the meeting

- With the three exceptions listed below, all matters arising at a meeting of the OC shall be decided by a majority of the votes of the owners voting either personally or by proxy.
- The three exceptions are -
 - ◆ appointment of MC members, chairman, vice-chairman (if any), secretary and treasurer at a general meeting of the OC, which shall be made by using the “first past the post” voting system;
 - ◆ 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 a general meeting of the OC;
 - ◆ passing a resolution on the large-scale maintenance procurement in a general meeting of the OC (for the relevant definitions, please refer to Chapter 10). The resolution must be passed by a majority vote at a general meeting of the owners of the OC (with a quorum of 10% of the owners) and also meet the voting-in-person threshold, i.e. at least 5% of the owners or 100 owners, whichever is the lesser, are required to vote personally for the passage of the relevant resolution.

How to determine whether a resolution is passed by a majority of votes? Will abstentions be counted?

In determining whether a resolution is passed by a majority of the votes of owners, the following shall be disregarded –

- ✗ owners who are not present at the meeting;
- ✗ owners who are present at the meeting but do not vote;
- ✗ blank or invalid votes;
- ✗ abstentions.

It should be noted that a proxy appointed by an owner to attend and vote on behalf of the owner at a meeting of the OC shall be treated as being the owner present at the meeting (except for the circumstance where large-scale maintenance procurement is resolved at the general meeting of the OC).

Para 3(3) of Sch. 3

Section 10(1)(b)

Para 4 to Sch. 6C

Section 2B

- An owner shall, unless the DMC provides otherwise, have one vote in respect of each share he owns.
 - ◆ 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.
- If two or more persons are the co-owners of a share,
 - ◆ the vote in respect of the share may be cast –
 - (a) by a proxy jointly appointed by the co-owners;
 - (b) by a person appointed by the co-owners from amongst themselves; or
 - (c) if no appointment is made under (a) or (b), either by one of the co-owners personally or by a proxy appointed by one of the co-owners.
 - ◆ Where 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.
- With the exception of the appointment of MC members, chairman, vice-chairman (if any), secretary and treasurer, if there is an equal number of votes, the person presiding over the meeting shall have, in addition to a deliberative vote, a casting vote.

**Paras 3(5)(a)
and 3(6) of Sch. 3**

**Paras 3(5)(b) and
3(5)(c) of Sch. 3**

Para 3(4) of Sch. 3



The MC should put clearly on record the voting result of each resolution. To facilitate vote counting, an “Easy Count” vote-counting computer programme can be downloaded from the HAD Homepage on Building Management (www.buildingmgt.gov.hk).

- A proposed large-scale maintenance procurement resolution (for the relevant definitions, please refer to Chapter 10) is subject to a voting-in-person threshold, i.e. at least 5% of the owners or 100 owners (whichever is the lesser) must have voted personally.
- The MC must ensure that respective total votes cast personally and by proxy have been recorded in the minutes of the meeting. The person presiding over the meeting must not certify the minutes unless he is satisfied that the minutes contain the respective total votes cast personally and by proxy.

How can a corporate flat owner vote personally?

If the owner is a corporate flat owner, it can authorize one natural person to vote on its behalf for the meeting, who will be regarded as casting a vote in the meeting personally.

If the corporate flat owner has appointed a proxy to vote, then the vote will not be regarded as casted personally.

**Paras 4 and 5
of Sch. 6C**

Meeting procedure

Subject to the BMO, the procedure at a meeting of the corporation is determined by the OC.

Para 7 of Sch. 3

Adjourned meetings

- If a general meeting of the OC is adjourned, the above requirements with regard to the giving of notice of the meeting, the person who presides at the meeting, the quorum of the meeting, the appointment of proxy and the casting of votes shall also apply to the adjourned meeting.
- For the avoidance of doubt, if a meeting is adjourned, a reference to the conclusion of the meeting in the BMO is a reference to the conclusion of the last adjourned meeting.

Para 5A of Sch. 3

Section 2(3)

- A valid instrument appointing a proxy or an authorization notice for the original meeting shall remain valid for the adjourned meeting, unless –
 - ◆ the owner has crossed out the words “and at any adjournment thereof” in the instrument or the authorization notice;
 - ◆ the instrument or the authorization notice is revoked (e.g. the owner will attend the adjourned meeting in person or has requested the MC before the adjourned meeting to revoke the instrument of proxy or the authorization notice); or
 - ◆ the instrument or the authorization notice is replaced by a new instrument or authorization notice.



It should be noted that an adjourned meeting is a continuation of the original meeting. Thus, the owners can only pass resolutions with regard to items that have not been resolved at the original meeting. Should the owners want to pass resolutions on items not set out in the notice of the meeting of the original meeting, they should convene a new general meeting of the OC.

Minutes of meeting

- The minutes of every general meeting of the OC shall be kept by the MC secretary, and certified by the person presiding over the meeting as containing a true record of the proceedings of the general meeting.
- The MC shall display the certified minutes in a prominent place in the building within 28 days of the date of the general meeting for 7 consecutive days.
- The certified minutes shall be kept by the MC for such period, being not less than 6 years (from the date that they are certified), as the OC may determine.
- Any of the following persons may request in writing to the OC to supply him / her with copies of any certified minutes –
 - ◆ an owner;
 - ◆ the tenants' representative;
 - ◆ a registered mortgagee; or
 - ◆ any person duly authorized in writing by the owner or registered mortgagee.
- The MC shall supply the requestors with a copy of the certified minutes within 28 days after the date on which the request is made. A reasonable copying charge may be imposed if the MC supplies the document in hard copy. The MC must not impose any charges for supplying the requestors with the copy in electronic form.

**Paras 6(1) and
(2) of Sch. 3**

Para 6(3) of Sch. 3

Section 36A

**Paras 6A(1), (2)
and (5) of Sch. 3**

The copying charge shall be determined by the MC. To facilitate owners' access to information on matters discussed at a general meeting of the OC, the MC is advised to set the copying charge at a low level.

- In the OC meeting where resolutions on large-scale maintenance procurement is considered, the MC must, within 28 days after the date of the meeting, supply each of the owners and the tenants' representative (if any) with a copy of the certified minutes of the meeting.
- If a document is to be sent in electronic form, the consent from the recipient must be obtained first.

Para 6 of Sch. 6C

Section 2F(2)(a)

Chapter 9 Financial Arrangements for Owners' Corporation

Financial management is an integral part of building management. The BMO provides for the financial arrangements to be observed by OCs to ensure effective financial management and a sound financial position of the building.

Apart from reading this chapter, owners may also refer to “*Building Financial Management Toolkit*”, which is jointly published by HAD, the Independent Commission Against Corruption (ICAC), the Hong Kong Housing Society, the Hong Kong Institute of Certified Public Accountants and the Hong Kong Association of Property Management Companies. The publication provides practical guidance to OCs on financial management, as well as sample documents for preparation of budgets, income and expenditure accounts, etc. The publication can be downloaded from HAD’s Building Management website (www.buildingmgt.gov.hk).

Opening a bank account

- An OC shall open and maintain an interest-bearing bank account in the name of the OC for keeping funds and meeting payments in relation to building management. The account shall only be used exclusively in respect of the management of the building.
- An OC shall, apart from retaining a reasonable amount to cover expenditure of a minor nature, without delay on paying all money received in respect of the management of the building into the interest-bearing account.

**Section 20(3)
and (7)**

**Section 20(4), (5)
and (6)**

- ◆ The MC shall decide by a resolution the amount to be retained to cover expenditure of a minor nature;
- ◆ The MC may also decide by a resolution any other conditions or arrangements for dealing with the amount of money, for example, whether the amount is to be held in the form of cash or paid into the current account of the OC.

Establishment of funds

- The funds to be established by an OC include -
 - ◆ a general fund;
 - ◆ a contingency fund.
- An OC shall establish and maintain a general fund -
 - ◆ to defray the cost of the exercise of its powers and the performance of its duties under the BMO or the DMC, such as the cost of employing caretakers and cleaners; **and**
 - ◆ to pay Government rent, premiums, taxes or other outgoings, including any outgoings in relation to any maintenance or repair works, which are payable in respect of the building as a whole.
- An OC may establish and maintain a contingency fund -
 - ◆ to provide for any expenditure of an unexpected or urgent nature; **and**
 - ◆ to meet any payments when the general fund is insufficient to meet them.

Section 20(1)

Section 20(2)

Budget of an OC

- An MC shall prepare an annual budget for the OC showing the estimates of all expenditure items, irrespective of whether the expenditure will be paid by the general fund or the contingency fund.

Sch. 5

In general, the annual budget of an OC mainly includes the following items –

- ✓ salary, long service payment, mandatory provident fund and employees' insurance for the staff for the management of the building;
- ✓ expenses for repair and maintenance of the common areas and facilities;
- ✓ expenses for cleansing services and cleansing materials;
- ✓ costs of engaging professional services from lawyers and accountants, etc;
- ✓ utility charges such as water, electricity and telephone charges;
- ✓ fire insurance and third party risks insurance;
- ✓ Government rent, rates, stationery and miscellaneous expenses.

When preparing a budget and an estimate of expenditure for the coming year, the MC should take into account the expenditure of the preceding year, the proposed items to be added and deleted in the coming year, market prices and cost adjustments in response to anticipated inflation, etc.

- A revised budget may be prepared if the MC of the opinion that any sum set out in the budget is insufficient to meet the expenditure.
- Any of the following persons may request in writing to the OC to supply the copies of the budget or revised budget of the OC -
 - ◆ an owner;
 - ◆ the tenants' representative;

Para 4 of Sch. 5

- ◆ a registered mortgagee; or
- ◆ any person duly authorized in writing by an owner or registered mortgagee.

The MC shall supply the requestors with a copy of the budget or revised budget within 28 days after the date on which the request is made. A reasonable copying charge may be imposed if the MC supplies the document in hard copy. The MC must not impose any charges for supplying the requestors with the copy in electronic form.

The copying charge shall be determined by the MC. To enhance the transparency of the MC's financial management, the MC is advised to set the copying charge at a low level.

Amount required to be contributed by owners

- The MC shall determine the amount to be contributed by the owners as a whole to the general fund and / or contingency fund based upon the OC's annual budget.
- If the subsequent amount determined by the MC is increased by over 50% of the preceding amount, that subsequent amount shall be approved by the OC by a resolution passed at a general meeting of the OC.

If the OC's general and contingency funds are insufficient to meet the costs of non-statutory maintenance works for the building, and the MC has not included the maintenance costs when preparing the budget and when determining the amount to be contributed by the owners as a whole, can the MC subsequently increase the amount to be contributed by the owners as a whole?

No. Having determined the amount to be contributed by the owners as a whole based on the budget, the MC shall not increase the amount. Any proposed increase in the amount shall be approved by the OC by a resolution passed at a general meeting of the OC.

**Section 21(1) and (4)
and para 1 of Sch. 5**

Section 21(1A)

Section 21(2)

- If the OC receives -
 - ◆ an order of the Lands Tribunal; or
 - ◆ any notice, order or other document served upon the OC in relation to the common parts by the Government or a public body under any Ordinance,

and the general fund and/or contingency fund is insufficient to meet any payment due by the OC in respect of the cost of complying with the said order, then the MC may increase the amount required to be contributed by the owners without approval from a general meeting of the OC.

- Having determined the amount to be contributed by the owners as a whole, the MC shall, in accordance with the DMC, determine the amount to be contributed by individual owners.
- If the DMC does not provide for the fixing of contributions, the MC shall, in accordance with the respective shares of the owners, determine the amount to be contributed by an owner.
- In addition, the MC shall determine at which time and in what manner the contribution is payable.

Recovery of contributions from owners by the OC

- The amount to be contributed by an owner shall be a debt due from him to the OC at the time when it is payable.

Section 21(3)

Section 22(1)

Section 22(2)

Section 22(1)

Section 22(3)

The owner shall, at such time and in such manner as the MC may determine, pay the amount on time.

- If an owner does not settle the amount payable, the OC may try to contact the owner to enquire about the case and urge the owner to pay the amount on time. The OC may also by notice in writing remind the owner to pay the outstanding amount.
- If the owner still refuses to pay the amount, the OC may through its legal representative apply to the District Court for an order demanding the outstanding amount from the owner for claims not exceeding \$3 million. For claims not exceeding \$75,000, the OC may recover the outstanding amount through the Small Claims Tribunal without the need to appoint a legal representative.
- In addition, the OC may also adopt the following courses of action to recover the outstanding amount -
 - ◆ If a DMC provides that if an owner fails to pay any sum which is payable under the DMC, a person may sell that owner's interest in the land or register a charge against such interest in the Land Registry, the OC may exercise such power in the same manner as if it were the person referred to in the DMC.
 - ◆ If any amount payable by an owner whose flat is rented out remains unpaid for a period of 1 month after it has become due, the OC may by notice in writing demand such amount from the occupier of the flat, who shall be liable to pay the same to the OC and shall pay the rent for the flat concerned to the OC instead of the owner of the flat.

Section 19

Section 23

Accounts of the OC

- The MC shall prepare, within 15 months after the date of the registration of the OC and thereafter every 12 months, financial statements.
- The MC shall, as soon as reasonably practicable after the signing of the financial statements, display a copy of the financial statements in a prominent place in the building for at least 7 days. The financial statements shall also be laid before the OC at the annual general meeting of the OC.
- If either the total income or expenditure, or both, of the OC as shown in the income and expenditure account, exceeds or is likely to exceed \$500,000, the financial statements must be audited by an accountant retained by the OC by a resolution passed at a general meeting. The MC must display a copy of the financial statements and a copy of the accountant's report in a prominent place in the building as soon as reasonably practicable for at least 7 days, and be laid before the OC at the annual general meeting of the OC.
- Financial statements
 - ◆ shall be signed by –
 - ✓ the MC chairman; and
 - ✓ the MC secretary or treasurer;
 - ◆ and shall include –
 - ✓ an income and expenditure account; and
 - ✓ a balance sheet,

both of which shall give a true and fair view of the financial position of the OC.

**Section 27(1)
and (7)**

Section 27(7)

**Section 27(2)
and (3)**

Section 27(2)(b)

Section 27(2)(a)

- 
- For each period of 3 months (or such shorter period as the MC may select), the treasurer shall prepare a summary of the income and expenditure of the OC in respect of that period, and display a copy of the summary in a prominent place in the building for 7 consecutive days within 1 month after that period.

Para 2 of Sch. 6

Inspection of accounts

- The MC shall maintain proper books or records of account and other financial records. It shall permit the following persons to inspect the aforementioned records at any reasonable time –
 - ◆ the Authority;
 - ◆ an authorized officer;
 - ◆ an owner;
 - ◆ the tenants' representative;
 - ◆ a registered mortgagee; or
 - ◆ any person authorized in writing by an owner or registered mortgagee.
- The specified persons (i.e. an owner, a tenant's representative, a registered mortgage or any person authorized in writing by an owner or registered mortgagee) may also request in writing to the OC to supply them with copies of -
 - ◆ the financial statements;
 - ◆ the accountant's report (if the financial statements are required to be audited by an accountant under the BMO); or
 - ◆ a summary of the income and expenditure.
- The MC shall supply the specified persons with a copy of the document within 28 days after the date on which the request is made. A reasonable copying charge may be imposed when the MC supplies the document in hard copy. The MC must not impose any charges for supplying the specified persons with any copy in electronic form.

The copying charge shall be determined by the MC. In order to enhance the transparency of the accounts of the OC, the MC is advised to set the copying charge at a low level.

**Section 27(1)
and (5)**

Para 3 of Sch. 6

- All bills, invoices, vouchers, receipts and other documents referred to in the books or records of account and other records must be kept by the MC for 6 years after the date on which the MC obtains the documents.
- If an owner wants to inspect the bills, invoices, vouchers, receipts or other documents referred to in the books or records of account and other records, he may adopt the following courses of action –
 - ◆ not less than 5% of the owners may request the MC in writing to permit them or any person authorized by them to inspect the documents concerned; or
 - ◆ an owner may apply to the court for an order authorizing him or any other person named in the application to inspect the documents concerned. The court may make an order if it is satisfied that the application is made in good faith and is for a proper purpose.

On receipt of the request of not less than 5% of the owners or an order made by the court, the MC shall permit the relevant persons to inspect the documents concerned at any reasonable time.

5% of the owners means 5% of the total number of owners, without regard to the shares owned by such owners.



Section 27(6)

Para 1A, 1B and 1C of Sch. 6

Chapter 10 Procurement Arrangements for Owners' Corporation

From time to time, an OC has to procure the supplies, goods and services required for building management and maintenance works. For example, it may engage the services of a management company or a cleansing company, appoint an engineering company to carry out maintenance works, and purchase maintenance materials, etc.

An OC shall make a procurement in accordance with the relevant provisions of the BMO.

Procurement requirements

- Before making any procurements relating to building management, the MC shall evaluate the expenditure and the categories of the procurement. If the procurement falls within one of the the following three specific high-value procurement categories, the MC must ensure that the corresponding requirements have been compiled with for that procurement:
 - (a) Type 1 high-value procurement;
 - (b) Type 2 high-value procurement; and
 - (c) Large-scale maintenance procurement
- Definition of type 1 high-value procurement:
 - ◆ the procurement value exceeds, or is likely to exceed, \$200,000;
 - ◆ the procurement is not type 2 high-value procurement; and
 - ◆ the procurement is not large-scale maintenance procurement

**Section 2D
and 2E**

Section 2D

- Definition of type 2 high-value procurement:

- ◆ the procurement value exceeds, or is likely to exceed, 20% of the average annual expenditure for the last 3 financial years (“reference amount” as defined in section 2D(3)); and
- ◆ the procurement is not large-scale maintenance procurement.

If there are only two expenditure amounts in the last three completed financial years, the average of such amounts may still be referenced. If there is only one or no such expenditure amount, the proposed annual expenditure for the previous budget may be taken as reference.

Example :

Assuming that the financial year of a building is from 1 January to 31 December of each year, the MC passed a resolution for the procurement with a value of \$300,000 on 1 August 2025.

Based on 1 August 2025 (i.e. the date of passing the resolution), the last 3 completed financial years would be 2022, 2023 and 2024. Assuming that the OC has prepared the annual income and expenditure accounts in the past 3 financial years under Section 27, and the annual expenditure is as follows:

Year	Annual expenditure
2024	\$1,340,000
2023	\$1,240,000
2022	\$1,200,000

The average annual expenditure for the past 3 years is \$1,260,000 (“reference value”). The value of the procurement (\$300,000) exceeds 20% of the reference value (i.e. \$252,000).

If the above procurement does not involve large-scale maintenance procurement (see definition below), according to Section 2D of the Ordinance, this procurement falls within the definition of type 2 high-value procurement.

Section 2D 3(b)

- Definition of large-scale maintenance procurement:

- ◆ The procurement is mainly for repairing, replacing, maintaining or improving the common parts of the building;
- ◆ The procurement value exceeds the specific threshold: the average procurement value per flat in the works project exceeds, or is likely to exceed, \$30,000; and

Section 2E

(The calculation of numbers of flats does not take into account any garage, carpark or carport unless every flat in the building concerned is, or is part of, a garage, carpark or carport)

- ◆ The procurement is not for any cleaning, security or property management services.

Example:

Assuming that a building has 640 flats, 46 residential parking spaces and 6 residential motorcycle parking spaces.

According to the definition, the calculation of flats does not include any parking space, and hence the number of flats is 640. If the value of procurement exceeds \$19,200,000 (i.e. 640 x \$30,000), and its purpose is for repairing, replacing, maintaining or improving the common parts of the building, and not for any cleaning, security or property management services for the building, this procurement will fall within the definition of large-scale maintenance procurement.

- For the above three types of high-value procurement, the OC shall comply with the following requirements:
 - ◆ the relevant Code of Practice must be complied;
 - ◆ procuring the goods or services by invitation to tender;
 - ◆ the requirements for tendering specified in Schedule 6A must be complied -
 - (i) a tender invitation must set out clearly the nature of goods or services procured;
 - (ii) display a copy of the tender invitation in a prominent place in the building;
 - (iii) any tender submitted after the deadline must not be accepted; and
 - (iv) invite the required number of potential suppliers depending on the procurement value (as shown in the table below).

**Section 28D, 28E
and 28F**

Section 28A(1)

Procurement value	Required number of potential suppliers
More than \$200,000	Issue tender invitation to at least 5 potential suppliers
More than \$1,000 but not exceeding \$200,000	Issue tender invitation to at least 3 potential suppliers

- ◆ The declaration requirements specified in Schedule 6B must be complied.
- In respect of whether to accept a tender or not –
 - ◆ If the procurement is classified as type 2 high-value procurement or large-scale maintenance procurement, the acceptance of tender must be passed by a resolution in a general meeting of the OC.
 - ◆ If the procurement is classified as large-scale maintenance procurement, the MC must comply with the specific procedures at general meetings of the OC as stipulated in Schedule 6C. (See Chapter 8 of this guide for provisions of notices of meeting, minutes of meeting and voting-in-person threshold)

Code of Practice

- In making procurement and conducting a tendering exercise, the OC shall ensure that the procurement details and tendering procedures comply with the standards and guidelines specified in the “Code of Practice on Procurement of Supplies, Goods and Services” (Code of Practice). The Code of Practice is available at all District Offices and can be downloaded from HAD Homepage on Building Management (www.buildingmgt.gov.hk).
- A failure on the part of the OC to comply with the Code of Practice shall not of itself render the OC liable to criminal proceedings of any kind. However, such failure may be relied upon in any civil or criminal proceedings as tending to establish or to negative any liability which is in question in such proceedings.
- Any procurement contract made by the OC shall not be void by reason only that it does not comply with the standards and guidelines specified in the Code of Practice.

Section 28A(1)

Section 44(2)

Section 28A(2)

Continuous engagement of the incumbent supplier

- For type 1 and type 2 high-value procurement, if the OC intends to continuously engage the incumbent supplier and the following conditions can be met, the tendering requirement stipulated in the BMO may be waived.

**Section 28D(3)
and 28E(3)**

- The conditions are as follows -
 - ◆ the supplier concerned must be the one engaged by the OC for the time being;
 - ◆ the supplies, goods or services to be procured by the OC are of the same type as those which are for the time being supplied by the supplier; and
 - ◆ the OC decides by a resolution of the owners passed at a general meeting of the OC that –
 - invitation to tender will not be made for the procurement; and
 - the supplies, goods or services shall be procured from that supplier on such terms and conditions as specified in the resolution.
- The OC must fulfil the above conditions before it can be allowed to waive the tendering requirement. It is important to note that even if the tendering requirements are waived, the MC and responsible persons of the procurement must comply with the declaration requirements as stipulated in Schedule 6B.
- If the procurement is classified as large-scale maintenance procurement, the tendering requirements cannot be waived, and must be conducted by an invitation to tender.

It is advisable for OCs to conduct tendering exercise so as to obtain the most updated market information.

Consequences of non-compliance with procurement requirements

- Failure of the OC to comply with the procurement requirements stipulated in the BMO (i.e. tendering requirements, declaration requirements, or decide whether a tender is accepted or not by a resolution of the owners passed at a general meeting of the OC) may have effect on –
 - ◆ the validity of the procurement contract;
 - ◆ the personal liability of the person who enters into the contract.

Validity of a procurement contract

- Any procurement contract made by the OC shall not be void by reason only that it does not comply with –
 - ◆ the tendering requirement; or
 - ◆ the essential requirements of deciding whether a tender is accepted or not by a resolution of the owners passed at a general meeting of the OC.
 - ◆ The definition of essential requirements is as follows:

Procurement categories	Essential requirements
Type 1 high-value procurement	- Procurement must be conducted by an invitation to tender.
Type 2 high-value procurement	- Procurement must be conducted by an invitation to tender. - A resolution of the owners at a general meeting of the OC is required to decide on whether or not to accept the tender (passed by a majority of the votes of the owners voting either personally or by proxy). - A contract must not be varied or terminated unless the OC acts in accordance with a resolution.
Large-scale maintenance procurement	- Procurement must be conducted by an invitation to tender. - A resolution of the OC is required to decide on whether or not to accept the tender (passed by a majority of the votes of the owners voting either personally or by proxy). - A contract must not be varied or terminated unless the OC acts in accordance with a resolution. - The resolution of the OC on whether to accept the tender, vary or terminate the contract meets the vote-in-person threshold of 5% of the owners or 100 owners (whichever is the lesser) voting personally.

Section 28I(1)a

Section 28H(2)

- In the event that the procurement contract made by the OC does not comply with essential requirements set out in the paragraph above, the owners may –

- (a) avoid the contract by a resolution of the owners passed at a general meeting of the OC; or
- (b) seek an order from the court with regard to the validity of the contract.

Section 28I(1)(b)

Section 28J(1)



It should be noted that before passing a resolution to avoid a procurement contract, it is important for the OCs and the owners to fully understand the implication of passing such a resolution. OCs are strongly recommended to seek independent legal advice and explain to the owners the possible consequence, including the legal and financial implications on the OC and the owners, e.g. whether the OC is required to compensate the supplier after the resolution is passed and the amount of compensation payable, etc.

In addition, the OC should be aware that under section 28I(1)(b), a contract may be avoided by the OC only for the reason that it does not comply with the essential requirements.

- In the legal proceedings concerned, the court will take into account all the circumstances of the case, including (but not limited to) the following factors –
 - (a) whether the procurement complies with the essential requirements;
 - (b) whether the procurement complies with the tendering requirements, as specified in Schedule 6A;
 - (c) whether the procurement complies with the declaration requirements, as specified in Schedule 6B;
 - (d) for large-scale maintenance procurement, whether the specific procedures at general meetings of the OC are complied with, as specified in Schedule 6C;

- (e) whether the procurement complies with the Code of Practice;
- (f) whether the contract has been split from another contract for the sole purpose of lowering the value of the contract so that compliance of the statutory procurement requirements can be avoided;
- (g) whether the procurement is urgently required;
- (h) the progress of any activities or works in relation to the procurement;
- (i) whether the owners have benefited from the contract;
- (j) whether the owners have incurred any financial loss due to the contract and the extent thereof;
- (k) whether the supplier has acted in good faith;
- (l) whether the supplier has benefited from the procurement contract; and
- (m) whether the supplier has incurred any financial loss due to the procurement contract and the extent thereof.

● Tips: What constitutes a contract splitting?

- ◆ The scope of the procurement normally should depend on the actual needs. In general, the OC shall not split the procurement contract into several contracts with smaller procurement value to avoid the statutory procurement requirements. Where there are contracts of similar nature, it is for the court to decide, based on the specific circumstances of the case, whether the procurement contract has been split from another contract for the purpose of avoiding the statutory procurement requirements.

- The court may make orders or give directions in respect of the rights and obligations of the contractual parties, including but not limited to –
 - ◆ declaring that the procurement contract is valid;
 - ◆ declaring that the contract is void;
 - ◆ declaring that the contract is voidable.
 - If the court makes an order that the contract is voidable at the instance of the OC, it shall also make an order that a general meeting of the OC be convened and held in such manner as the court thinks fit, so as to decide whether the contract is to be voided.

Section 28J(2)

Personal liability

- Any person who enters into a procurement contract not in compliance with the essential procurement requirements, he / she may be personally liable for any claims arising from the contract.

Section 28K

Declaration requirements on connections, dealings and interests

Declarant and content of declaration

- Before entering into a procurement contract, the participants of an MC (including the secretary and treasurer who may not be members) and the responsible person (i.e. manager or a person who is accustomed to act in accordance with the directions of the manager) must comply with the requirements in Schedule 6B and make the following declarations:
 - ◆ any pecuniary or personal interest in a tender submitted (for procurement from specific suppliers);
 - ◆ any connection with a person who has submitted a tender.

**Para 1, 9 & 10 of
Sch. 6B**

- The responsible person is required to make the following declarations of interest in addition to those mentioned above:

- ◆ any pecuniary or personal dealing with a member of an MC;
- ◆ any connection with a member of an MC.

- **Tips: What constitutes an interest or connection that requires declaration?**

- ◆ The participants of MC and the responsible persons are generally required to declare for any actual or perceived interests which may incur conflict of interests. As for connection, the relevant definitions are set out below.
- ◆ A person (Person A) is connected with another person (Person B) if—
 - (a) Person A is a spouse of Person B;
 - (b) Person A, or a spouse of Person A, is a brother, sister, uncle, aunt, cousin, nephew, niece, lineal ancestor or lineal descendant of Person B;
 - (c) Person A and Person B are co-owners of a share in the relevant building;
 - (d) Person A is a body corporate—
 - i. the composition of the board of directors of which is controlled by Person B;
 - ii. more than half of the voting power in or in relation to which is possessed by Person B;
 - iii. more than half of the issued share capital of which is held by Person B;
 - iv. of which Person B is a director; or
 - v. of which Person B is an associated company as defined by section 2(1) of the Companies Ordinance (Cap. 622);
 - (e) Person A and Person B are partners in a partnership;
 - (f) Person A is an employee or agent of Person B; or
 - (g) Person A is otherwise accustomed or obliged to act in accordance with the directions or instructions of Person B.

Section 2(5)

- Even if the participants of an MC or responsible persons decided to waive the tendering requirement for the type 1 or 2 high-value procurement (i.e. continue to engage the incumbent supplier), as stipulated in Section 28D(3) or 28E(3), they are still required to follow the above declaration requirements.

Declaration for no interest in large-scale maintenance procurement

- Before the first tender acceptance meeting is held, for the participants of an MC or responsible persons who have made a declaration for large-scale maintenance procurement, they must declare that they have no interest / dealings / connections, except for those already declared.
- Before the first tender acceptance meeting is held, for the participants of an MC or responsible persons who have not made any declaration for a large-scale maintenance procurement, they are also required to declare that they do not have any interest / dealings / connections.

Forms for declarations

- The declarations must be made in specific forms (please see Appendix 14 for the sample for participants of an MC, and Appendix 15 for the sample for responsible persons). If a person who makes the declaration is a body corporation, notwithstanding anything to the contrary in its constitution, the declaration must be impressed with its seal or chop and signed by a person authorized by it in that behalf.

**Para 17, 22 and
23 of Sch. 6B**

**Para 2, 11, 18
and 24 of Sch. 6B**

- The declarations must be made to the specific persons as follows:
 - (a) the chairman or secretary of the MC;
 - (b) if the declarant is the chairman of the MC, the declaration shall be made to the secretary of the MC;
 - (c) if the declarant is the secretary of the MC, the declaration shall be made to the chairman of the MC;
 - (d) if it is impracticable to make the declaration for reasons (such as a vacancy in an office), then the declaration shall be made to every member of the MC other than the declarant.
- The declaration can be made in hard copy or electronic form, while for electronic form, the consent of the recipient must be obtained in advance.

**Para 3, 12, 19
and 25 of Sch. 6B**

Section 2F(2)

Actions and restrictions after declarations

- After a declaration of interest has been made, the MC must display the notice of the declaration (see Appendix 17) in a prominent place in the building within 7 days after the date of declaration for at least 7 consecutive days with following requirements:
 - (a) the notice must specify the procurement and tender concerned;
 - (b) the notice must specify whether the person who made the declaration assumes a particular office of the management committee and, if so, which office; and
 - (c) the notice must contain a statement indicating the right to inspect a copy of the declaration under Schedule 6B.

**Para 4, 6, 13 of
Sch. 6B**

- After a declaration has been made, the MC must ensure that a copy of the declaration is produced to the MC at the **first procurement meeting**, and attached to the minutes of the proceedings of that meeting.
- For a declaration of no interest or connection for tender submitted for large-scale maintenance procurement, the MC must ensure that a copy of the declaration is attached to the minutes of the proceedings at the first tender acceptance meeting (i.e. the first general meeting of the OC at which tenders for large-scale maintenance procurement works are considered). (See Appendix 18)
- A participant of the MC who has made a declaration of interest must not participate in any assessment of tenders, any negotiation or other activity relating to the procurement.
- A participant of the MC who has made a declaration of interest must not preside over or otherwise attend the session of the MC meeting in respect of the procurement, and must not be counted towards the quorum for that session of the meeting.
- If such exemption is decided by a resolution of the MC or a resolution of the OC (the reasons for which shall be given at the meeting and the minutes of the meeting shall contain the reasons), the declarant may still attend or preside at the meeting. However, the declarant shall not vote on any resolution of the MC in respect of the procurement and shall withdraw from the meeting while the resolution is being voted on.
- A responsible person who has made a declaration of interest must not participate in any assessment of tenders, any negotiation or other activity relating to the procurement, unless an exemption is decided by a resolution of the MC or a resolution of the OC (the reasons for which shall be given at the meeting and the minutes of the meeting shall contain the reasons).

**Para 5, 14 of
Sch. 6B**

**Para 20, 26 of
Sch. 6B**

Para 8 of Sch. 6B

Para 7 of Sch. 6B

Para 7 of Sch. 6B

Para 16 of Sch. 6B

Keeping of documents

- The MC of the OC is required to keep all procurement documents (which contain information relating to the financial liabilities incurred by the OC in connection with the procurement or documents relating to the procurement) for at least 6 years, including tender documents, contract documents, accounts, invoices and any other relevant documents .
- The MC must also keep the relevant declaration forms by the participants and responsible persons for the procurement, for the period of 6 years after the date on which a contract is entered into for the procurement.

Section 28B

**Para 6, 15, 21
and 27 of Sch. 6B**

Chapter 11 Responsibilities and Rights of Owners

Responsibilities of owners

When an owner purchases a flat in a multi-storey building, he is not only entitled to the exclusive possession of his flat, but he also co-owns the common parts of the building with other owners. The formation of an OC facilitates the organization of owners to effectively manage their building.

Where an OC is formed, it will legally represent all owners in the management of the building. However, this does not mean that the owners themselves no longer have the responsibility to manage the building. The formation of an OC does not affect the individual owners' responsibility in respect of the common parts of the building.

An OC may be held liable for making compensation for any accidents arising from the improper management or lack of maintenance of the building. If the OC is unable to make compensation, the party concerned may apply to court for the winding up of the OC under the provisions of Part X of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32). Similarly, if the OC is unable to discharge its debts and liabilities, such as maintenance fees in arrears, the creditor may also apply to court for the winding up of the OC. In the winding up of an OC, the owners shall be liable, both jointly and severally, to contribute, according to their respective shares of ownership, to the assets of the OC to an amount sufficient to discharge its debts and liabilities.

As such, all owners of a building, being members of the OC, should actively take part in the affairs of the OC and the management of the building in order to maintain the common parts in a state of good and serviceable repair.

Sections 33 and 34

Generally, owners are obliged to –

- Comply with the resolutions passed at a general meeting of the OC or at a meeting of the MC;
- Share and make timely payment of the management expenses and other funds in respect of the building, including the maintenance costs for the common parts of the building, in accordance with the DMC of the building and the BMO;
 - ◆ If an owner has the right to the exclusive possession of any part of a building or has the exclusive right to the use, occupation or enjoyment of that part, the owner is obliged to maintain that part in good repair and condition even though there is no such requirement under the DMC of the building.
- Comply with the provision on the DMC of the building and the BMO, and avoid acting contrary to such provisions, such as change of use of his flat and unlawful occupation of the common parts of the building;
 - ◆ No person may convert the common parts of a building to his own use unless such conversion is approved by a resolution of the owners' committee (if any).
 - ◆ In addition, no person may use or permit to be used the common parts of a building in such a manner as –
 - unreasonably to interfere with the use and enjoyment of those common parts by any owner or occupier; or
 - to cause a nuisance or hazard to any person lawfully in the building.

Section 34H

Section 34I

What is an owners' committee?

An owners' committee means an owners' organization formed under and in accordance with the DMC. Its composition, operation details, duties and powers shall be such as the DMC may set out. An owners' committee is not a body corporate.

Where an MC has been appointed and an OC formed in respect of a building, the members of the MC shall be deemed to be the owners' committee and shall have all the functions, powers and duties of the owners' committee under the DMC.

Sections 34D and 34K

- Take an interest in matters relating to the OC and building management by, for example, attending general meetings of the OC and exercising their voting rights.

Rights of owners

Being a member of an OC, an owner may exercise his rights to monitor the operation of the OC and the MC in the following manner –

General meetings of the OC

- Attend any general meeting of the OC and vote on each resolution. At any general meeting of the OC, the owner shall, unless the DMC otherwise provides, have one vote in respect of each share which he owns.
- If an owner is unable to attend a general meeting, he may appoint a proxy to attend and vote at the meeting. The appointed proxy shall be treated as being the owner present at the meeting.

**Para 3(5)(a)
of Sch. 3**

**Paras 4(1) and
5(2) of Sch. 3**

The appointed proxy may vote at the meeting on behalf of the owner. An owner should therefore appoint someone he trusts to be his proxy.

- An owner can give his views on the operation of the OC to the MC or request the MC chairman to convene a general meeting of the OC to discuss and pass resolution on the matter concerned.
- ◆ 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.
- “5% of the owners” shall be counted in terms of the number of owners, without regard to the shares owned by such owners.
- In this case, “to convene a meeting” means giving notice of the meeting while “to hold the meeting” means causing it to actually take place.

MC members

- Owner may run for the office of the MC member, or appoint any other owner whom they think fit to be the member of the MC by resolution passed at a general meeting of the OC.
- If owners are dissatisfied with the performance of individual MC members, they may, by resolution passed at a general meeting of the OC, remove from office and replace any MC member.

Para 1(2) of Sch. 3

**Section 5B and
Sch. 11**

Para 5 of Sch. 2

Section 14(2)

- If owners are dissatisfied with the performance of the MC, they may -
 - ◆ by a resolution passed at a general meeting of the OC, appoint an administrator and thereafter dissolve the MC.
 - It is important to note that the quorum at such general meeting of the OC shall be 20% of the owners.
 - A resolution shall have no effect until it is certified as correct by the person presiding at the meeting and lodged with the Land Registry within 14 days after the date of the meeting.
 - ◆ make an application to the Lands Tribunal for an order to dissolve the MC and appoint an administrator.

Section 30(1)

Para 5(1) of Sch. 3

Section 30(2)

Section 31

What are the powers and duties of an administrator? What is the term of his appointment?

- An administrator shall have all the powers and duties of an MC and of the MC chairman, secretary and treasurer.
- An administrator shall, within 7 days of his appointment or the termination of his appointment, give notice thereof to the Land Registry.
- If an administrator is appointed by a general meeting of the OC, he shall hold office from the date upon which a certified copy of the resolution is lodged with the Land Registry until the appointment of another administrator or a new MC.
- If the administrator is appointed by the Lands Tribunal, the Tribunal may specify the term of his appointment.

Section 32

Section 30(3)

Section 31(2)

Information about the OC

- Owners may know about the operation of the OC and MC from the documents displayed in a prominent place in the building which include –
 - ◆ notice of an MC meeting;
 - the MC secretary shall display the notice at least 7 days before the date of the meeting.
 - ◆ notice of a general meeting of the OC;
 - the MC secretary shall display the notice at least 14 days before the date of the meeting.
 - if the general meeting is related to the large-scale maintenance procurement, the notice of a general meeting must comply with the requirements in Schedule 6C (See Chapter 8 on this Guide for details).
 - ◆ certified minutes of meeting of the MC and general meeting of the OC;
 - the MC shall display the certified minutes within 28 days after the date of the meeting in a prominent place in the building for 7 consecutive days.
 - (Remarks: if the general meeting is related to the large-scale maintenance procurement, the MC must, within 28 days after the date of the meeting, supply each owner and the tenant's representative (if any) with a copy of the certified minutes for the meeting, in hard copy or electronic form. If the documents are supplied in electronic form, the consent of the recipient must be obtained first.)

Para 8(2) of Sch. 2

Para 2(2) of Sch. 3

Para 3 of Sch. 6C

Para 10(4B) of Sch. 2 and para 6(3) of Sch. 3

Para 6 of Sch. 6C and Section 2F(2)(a)

- ◆ copy of the summary of the income and expenditure of the OC;
 - the MC treasurer shall display a copy of the summary in a prominent place in the building once every 3 months, or at shorter interval as the MC may select, and cause it to remain so displayed for 7 consecutive days.
- ◆ copy of the financial statement and accountant's report (if the financial statements are subject to audit)
 - the treasurer of the MC shall, as soon as reasonably practicable after preparing the financial statements and obtaining the accountant's report (if any), display copies of the financial statements and the accountant's report (if any) in a prominent place in the building for 7 consecutive days.
- ◆ notice containing the particulars of a legal proceedings to which the OC is a party.
 - the OC shall –
 - within 7 days of receiving any court documents commencing the proceedings; or
 - within 7 days of issuing any court documents commencing the proceedings,
 display a notice in a prominent place in the building for 7 consecutive days.

Para 2 of Sch.6

Section 27(7)

Section 26A

What shall be included in the notice containing the particulars of a legal proceedings?

The notice shall contain particulars of the proceedings, which may include –

- ✓ the capacity of the parties of the proceedings;
- ✓ the case number of the legal action and the forum of the case (i.e. whether it is commenced in Lands Tribunal, District Court, High Court etc.);
- ✓ nature of the case; **and**
- ✓ the amount claimed by the plaintiff (where OC is the defendant) or to be claimed by the OC (where OC is the plaintiff), or the remedies or relief sought if they are not monetary in nature (e.g. injunction order, declaration etc.)

◆ Copy of invitation to tender

- If an invitation of tender is issued for the procurement, the MC must display a copy of the invitation in a prominent place in the building as soon as reasonably practicable, until the deadline of the tender invitation.

◆ Notice of declarations of interests or connections in respect of the procurement

- If a participant of the MC, and / or a responsible person for the procurement has made a declaration of personal interests and connections, the MC must display a notice of the declaration in a prominent place in the building within 7 days after the date of declaration, for at least 7 consecutive days.

Para 3 of Sch. 6A

**Para 4 & 13 of
Sch. 6B**

- Owners can also obtain copies of the following documents by written requests -

- ◆ certified minutes of meetings of the MC and general meetings of the OC;
- ◆ financial statements of the OC;
- ◆ the accountant's reports (if the financial statements are required to be audited by accountants under the BMO);
- ◆ the summary of the income and expenditure of the OC;
- ◆ the policy of insurance and any receipt for the premium in respect of that policy;
- ◆ if a procurement contract is entered into, the procurement documents, including tender documents, contract documents, accounts and invoices;
- ◆ the budget of the OC.

Para 10A(1) of Sch.2 and para 6A(2) of Sch. 3

Para 3 of Sch. 6

Section 28(5)

Section 28B(1) and 28C(2)

Para 4 of Sch. 5

- Owners can also inspect the following documents -

- ◆ the books or records of account or any other financial records;
- ◆ the policy of insurance and any receipt for the premium in respect of that policy;
- ◆ the register of owners maintained by the MC secretary;
- ◆ copies of the declarations made by the participants of MC and responsible persons, in relation to the procurement.

Section 27(5)

Section 28(4)

Section 38

Para 6(2), 15(2), 21(2) and 27(2) of Sch. 6B

- Owners can also inspect the bills, invoices, vouchers, receipts and other documents referred to in the books and records of account and other records if not less than 5% of the owners so request in writing or at the order of the court.
 - ◆ 5% of owners should be based on the number of owners, without regard to the shares owned by the owners.

Lands Tribunal

- Owners can apply to the Lands Tribunal for a ruling on any building management matter.

The disputes between owners and the OC very often arise because of insufficient understanding of the provisions of the BMO on the part of owners or MC members or misunderstanding between the two parties. Owners and MC members should try to settle the disputes through communication and mediation.

Owners are advised to seek independent legal advice before taking any legal action.

**Para 1A, 1B and
1C of Sch. 6**

**Section 5B and
Sch. 11**

**Section 45 and
Sch. 10**

Chapter 12 Duties of Manager

Building management involves a wide range of matters. Many buildings would engage a manager (i.e. property management company) to assist in the management of the building.

There are two main types of managers –

- (1) the person who is specified in the DMC to manage the building (i.e. DMC manager);
- (2) any other person who for the time being is managing the building for the purposes of the DMC. It generally refers to a manager appointed by the owners on contract basis (i.e. contract manager).

Section 2(1)

Schedule 7 to the BMO sets out the requirements in relation to the manager of a building. Its provisions are mandatory terms to be impliedly incorporated into every DMC. In the event of any inconsistency between the provisions in Schedule 7 and the terms of a DMC, the provisions in Schedule 7 shall prevail.

Section 34E(1) and (2)

The provisions in Schedule 7 shall be binding on the manager of the building. Both the DMC manager and the contract manager shall comply with the requirements stipulated in Schedule 7.

Schedule 7 to the BMO mainly sets out the requirements with regard to the following –

(A) General duties of a manager

- Financial arrangements
- Communications between owners
- Termination of manager's appointment
 - ◆ Resignation of a manager
 - ◆ Termination of manager's appointment by the OC
 - ◆ Obligations after the end of manager's appointment

(B) Procurement arrangements for supplies, goods and services

(C) Procedures to convene a meeting of owners if there is no corporation.

(A) General duties of a manager

Financial arrangements

Opening accounts

- The manager shall open and maintain an interest-bearing account and shall use that account exclusively in respect of the management of the building.
 - ◆ If there is an OC, the manager shall open one or more segregated interest-bearing accounts, each of which shall be designated as a trust account or client account, for holding money received by him from or on behalf of the OC in respect of the management of the building.
- The manager shall display a document showing evidence of the above bank accounts opened and maintained by him in a prominent place in the building.
- Except for retention of a reasonable amount to cover expenditure of a minor nature, the manager shall without delay pay all money received by him in respect of the management of the building into the bank accounts mentioned above.
 - ◆ If there is an owners' committee, the amount to be retained to cover expenditure of a minor nature shall be determined by a resolution of the owners' committee;
 - ◆ Any other condition or arrangement for dealing with the money, such as holding the amount in cash or paying it into a current account, may also be determined by a resolution of the owners' committee (if any).

What is an owners' committee?

An owners' committee means an owners' organization formed under and in accordance with the DMC. Its composition, operational details, duties and powers shall be such as the DMC may set out. An owners' committee is not a body corporate.

Where an MC has been appointed and an OC formed in respect of a building, the members of the MC shall be deemed to be the owners' committee and shall have all the functions, powers and duties of the owners' committee under the DMC.

Para 3 of Sch. 7

**Section 34D
and 34K**

Establishment of a fund

- The manager shall establish and maintain a special fund to provide for expenditure of a kind not expected to be incurred annually, such as the cost of major maintenance works.
- If there is an OC, the OC shall determine, by a resolution at a general meeting of the OC, the amount to be contributed to the special fund by the owners in any financial year, and the time when those contributions shall be payable.
- The manager shall open and maintain at a bank an interest-bearing account, the title of which shall refer to the special fund for the building, and shall use that account exclusively for the purpose of the special fund.
 - ◆ If there is an OC, the manager shall open one or more segregated interest-bearing accounts, each of which shall be designated as a trust account or client account, for holding money received by him from or on behalf of the OC in respect of the special fund.
- The manager shall display a document showing evidence of the bank accounts in respect of the special fund opened and maintained by him in a prominent place in the building.
- The manager shall without delay pay all money received by him in respect of the special fund into the bank accounts mentioned above.
- Unless in a situation considered by the manager to be an emergency or the payment is approved by a resolution of the owners' committee, the manager shall not pay any money out of the special fund.

Para 4 of Sch. 7

Budget

- The manager shall prepare a draft budget for each financial year setting out the proposed expenditure during the financial year.

Para 1(2) of Sch. 7

- The manager shall send a copy of the draft budget to the owners' committee or, where there is no owners' committee, display a copy of the draft budget in a prominent place in the building for 7 consecutive days.
- From the date the copy of the draft budget was sent or displayed, the manager shall issue a notice inviting each owner to send his comments on the draft budget to the manager within a period of 14 days.
- Having collected comments from the owners, the manager shall prepare a budget specifying the total proposed expenditure during the financial year.
- The manager shall send a copy of the budget to the owners' committee or, where there is no owners' committee, display a copy of the budget in a prominent place in the building for 7 consecutive days.
- Where in respect of a financial year, the manager has not complied with the above requirements before the start of that financial year by preparing the draft budget and the budget, the total amount of the management expenses for that year shall, until he has so complied, be deemed to be the same as the total amount of management expenses for the previous financial year.

Para 1(3) of Sch. 7

Can the manager revise the budget after it has been prepared?

Yes, but the manager shall prepare a draft revised budget and, as with the preparation of the draft budget, the manager shall send a copy of the draft revised budget to the owners' committee or, where there is no owners' committee, display a copy of the draft revised budget in a prominent place in the building and issue a notice inviting each owner to send his comments.

Having prepared the revised budget, the manager shall also send a copy of the revised budget to the owners' committee or, where there is no owners' committee, display a copy of the revised budget in a prominent place in the building.

Para 1(4) of Sch. 7

- If there is an OC and, within a period of 1 month from the date that a budget or revised budget is sent to the MC by the manager, the OC decides by a resolution of the owners at a general meeting of the OC to reject the budget, the total amount of management expenses for the financial year shall not exceed 110% of the total amount of management expenses for the previous financial year.
- If any owner requests in writing that the manager supplies with a copy of any draft budget, budget or revised budget, the manager shall supply the owner with a copy of the document within 28 days after the date on which the request is made. A reasonable copy charge may be imposed when the manager supplies the document in hard copy. The manager must not impose any charges for supplying the owner with the copy in electronic form.

Para 1(6) of Sch. 7

**Para 1(7) & (7A)
of Sch. 7**

Amount payable by owners

- The total amount of management expenses payable by the owners shall be the total proposed expenditure specified by the manager in the budget.
- If the manager revises the budget, the amount that owners shall contribute towards the management expenses shall be adjusted according to the revised budget.

Para 1 (1) of Sch. 7

Para 1(5) of Sch. 7

Accounts

- The manager shall keep the following for a least 6 years -
 - ◆ proper books or records of account and other financial records; and
 - ◆ all bills, invoices, vouchers, receipts and other documents referred to in those books and records.

Para 2(1) of Sch. 7

- For each period of 3 months (or such shorter period as the manager may select), the manager shall prepare a summary of income and expenditure and a balance sheet in respect of that period, and display a copy of the summary and the balance sheet in a prominent place in the building for 7 consecutive days within 1 month after that period.
- For each financial year, the manager must prepare an income and expenditure account and a balance sheet (financial statements).
 - ◆ The income and expenditure account and the balance sheet shall include a breakdown of the special fund, as well as the time when there will be a need to draw on that fund and the amount of money that will be needed. These documents must be signed by the manager.
- If total annual income or expenditure (or both) shown in the income and expenditure account exceeds or likely to exceed \$500,000, the financial statements must be audited.
- If the financial statements have to be audited due to the above requirement, the manager shall, by resolution of the owners passed at a meeting of owners, engage an accountant to audit the financial statements. The manager then must display a copy of the financial statements and accountant's report in a prominent place in the building for at least 7 consecutive days as soon as reasonably practicable after obtaining the report.
- If the financial statements are not required to be audited, the manager shall display a copy of the financial statements in a prominent place in the building as soon as reasonably practicable for at least 7 consecutive days.

Para 2(2) of Sch. 7

Para 2(3) of Sch. 7

Para 2(4) of Sch. 7

Para 2(6) of Sch. 7

Para 2(6A) & 2(6B) of Sch. 7

Para 2(6B) of Sch. 7

- The manager shall permit any owner, any registered mortgagee or any person duly authorized in writing by an owner or registered mortgagee (a specified person) to inspect the following accounting documents at any reasonably time -
 - ◆ the books or records of account and financial records, and all bills, invoices, vouchers, receipts or any other documents referred to in those books or records;
 - ◆ a summary of income and expenditure account or balance sheet;
 - ◆ a summary of income and expenditure and a balance sheet prepared by the Manager for each financial year; and
 - ◆ the accountant's report (if financial statements are to be audited).

- The manager shall supply the specified person with a copy of the accounting document within 28 days after the date on which the request is made in writing. A reasonable copying charge may be imposed when the manager supplies the document in hard copy. The manager must not impose any charges for supplying the owner with the copy in electronic form.

Para 2(6C) of Sch. 7

Para 2(8) of Sch. 7

Para 2(6D) of Sch. 7

Communication among owners

- The manager shall, either generally or in a particular case, provide a channel of communication between owners on any matters relating to the management of the building –
 - ◆ If there is an OC, the manager consults the OC at a general meeting of the OC and adopts the approach decided by the OC.
 - ◆ If there is no OC, the manager consults the owners' committee at the meeting of the owners convened under the deed of mutual covenant and adopts the approach decided by the owners' committee.

Para 4A of Sch. 7

Termination of manager's appointment

Resignation of manager

- If the manager wants to resign, he shall give not less than 3 months' notice in writing –
 - ◆ by sending such a notice to the owners' committee; or
 - ◆ where there is no owners' committee, by giving such a notice to each of the owners and by displaying such a notice in a prominent place in the building.
- The notice may be given in -
 - ◆ by delivering it personally to the owner;
 - ◆ by sending it by post to the owner at his last known address; or
 - ◆ by leaving it at the owner's flat or depositing it in the letter box for that flat.

Para 6 of Sch.7

Termination of manager's appointment by the OC

- The OC may, by a resolution passed at a general meeting of the OC, terminate by notice the DMC manager's appointment without compensation.
- The resolution shall be -
 - ◆ passed by a majority of votes; and
 - ◆ supported by the owners of not less than 50% of the shares in aggregate who are entitled to vote.

Para 7(1) & (5A) of Sch. 7

Only the owners of shares who are liable to pay the management expenses relating to those shares shall be entitled to vote.

- The resolution shall provide for -

Para 7(2) of Sch. 7

- ◆ a period of not less than 3 months' notice; or
- ◆ in lieu of notice, an agreement to be made with the DMC manager for paying him a sum equal to the amount of remuneration which would have accrued to him during that period.

- After the resolution is passed, the OC shall give a notice in writing to the DMC manager within 14 days after the date of the meeting, informing him of the termination of his appointment. The notice shall be accompanied by a copy of the resolution terminating the appointment.

- The notice may be given -

Para 7(3) of Sch. 7

- ◆ by delivering it personally to the DMC manager; or
- ◆ by sending it by post to the DMC manager at his last known address.

- If a contractor for the appointment of a manager (other than a DMC manager) contains no provision for the termination of the manager's appointment, the OC may also apply the above mechanism to terminate the appointment of the contract manager concerned.

Para 7(5B) of Sch. 7



It should be noted that the above mechanism is only applicable to terminate the appointment of –

- the DMC manager; or
- a contract manager whose contract contains no provision for the termination of his appointment.

If the contract of a contract manager contains provisions for the termination of the appointment, the OC shall comply with the provisions thereof, instead of applying the above mechanism to terminate the appointment.

Obligations after manager's appointment ends

If the manager's appointment ends for any reason, he must fulfil the following obligations –

Para 8 of Sch. 7

- As soon as practicable after his appointment ends, and in any event within 14 days of the date his appointment ends, deliver to the owners' committee (if any) or the manager appointed in his place any movable property in respect of the management of the building that is in his possession, and that belongs to the OC or the owners.
 - ◆ if the movable property, such as books or records of accounts, is required for the purposes of preparing the income and expenditure account and the balance sheet mentioned in the paragraph below, the manager shall within 2 months of the date his appointment ends, deliver to the owners' committee (if any) or the manager appointed in his place any such records.
- Within 2 months of the date his appointment ends
 - ◆ prepare an income and expenditure account and a balance sheet, and arrange for that account and balance sheet to be audited by the accountant specified by the owners' committee (if any).
 - ◆ in the absence of such an owners' committee or any such specification, by such accountant as may be chosen by the manager
 - ◆ deliver to the owners' committee (if any) or the manager appointed in his place any books or records of accounts, papers, documents and other records required for the purposes of preparing an income and expenditure account and a balance sheet.

(B) Procurement arrangements for supplies, goods and services

Procurement requirements

- Before conducting any procurement for building management, it is necessary to evaluate the expenditure required and the categories of the procurement. If the procurement falls under one of the following three specific high-value procurement categories, the manager must ensure that the corresponding procurement requirements have been complied with:
 - ◆ Type 1 high-value procurement
 - ◆ Type 2 high-value procurement
 - ◆ Large-scale maintenance procurement
- Please refer to Chapter 10 of this Guide for the definition of the aforementioned three types of high-value procurement.
- For the above three types of high-value procurement, the manager shall comply with the following provisions:
 - ◆ Comply with the relevant section of the Code of Practice;
 - ◆ Procure the goods or services by invitation to tender;
 - ◆ If there is no OC, requirements for tendering as stipulated in the Division 3 of Part II of Schedule 7 –
 - (i) The nature of the goods or services to which the procurement related to must set out clearly in an invitation to tender issued for the procurement;
 - (ii) Display a copy of the invitation in a prominent place in the building;
 - (iii) A specified time on a specified day after which a tender may no longer be submitted for the procurement must be set clearly; and
 - (iv) invite the required number of potential suppliers depending on the procurement value (as shown below)

Section 2D and 2E

**Paras 12 – 14 of
Sch. 7**

**Paras 15 – 20 of
Sch. 7**

Procurement value	Required number of potential suppliers
More than \$200,000	Issue tender invitation to at least 5 potential suppliers
More than \$1,000 but not exceeding \$200,000	Issue tender invitation to at least 3 potential suppliers

- ◆ If there is no OC, to comply with the declaration requirements as stipulated in Division 4 of Part II of Schedule 7 relating to the procurement.
- In respect of whether to accept a tender or not:
 - ◆ If the procurement is type 2 high-value procurement or large-scale maintenance procurement, the acceptance of tender must be decided by a resolution of the OC (if there is an OC) or a resolution of the owners (if there is no OC).
 - ◆ For large-scale maintenance procurement, if there is no OC, the specific procedures at meetings of owners concerning large-scale maintenance procurement in Division 4 of Part III of Schedule 7 must be complied with. (See Chapter 8 of this guide for provisions of notices of meeting, minutes of meeting and voting-in-person threshold).
 - ◆ Note: If there is an OC, the relevant requirements as stipulated in Schedule 6A, 6B and 6C are applicable. (see Chapter 10 of this Guide)

Continuous engagement of the incumbent supplier

- For type 1 and 2 high-value procurement, if the manager intends to continue to employ the incumbent supplier and the following conditions are met, the tendering requirement may be waived.
- The conditions are as follows -
 - ◆ the supplier concerned must be the one engaged by the OC for the time being;
 - ◆ the supplies, goods or services to be procured by the OC are of the same type as those which are for the time being supplied by the supplier; and
 - ◆ the owners decide by a resolution passed at the general meeting of the corporation (if there is an OC) or the meeting of owners (if there is no OC) that –
 - invitation to tender will not be made; and
 - the supplies, goods or services shall be procured from that supplier on such terms and conditions as specified in the resolution.
- **All** the above conditions must be met for the manager to waive the tendering requirements. It should be noted that even if the tendering requirements can be waived, the persons responsible for the procurement must still comply with the declaration requirements as stipulated in Schedule 6B (if there is an OC) or Schedule 7 (if there is no OC) to make declaration.
- If the procurement is defined as large-scale maintenance procurement, the tendering requirements cannot be waived, and must be procured by an invitation to tender.

**Para 12(3) and
13(3) of Sch. 7**

It is advisable for OCs to conduct tendering exercise so as to obtain the most updated market information.

Declaration requirements when there is no OC

- The responsible person for the procurement (i.e. manager of the building or the person carrying out the procurement in accordance with the directions of the manager) must make the following declarations of interest for type 1 high-value procurement, type 2 high-value procurement or large-scale maintenance procurement:
 - (i) any pecuniary or personal dealing with a member of an owners' committee;
 - (ii) any connection with a member of an owners' committee;
 - (iii) any pecuniary or personal interest in a tender submitted; and
 - (iv) any connection with a person who has submitted a tender.
- Even if the responsible persons decide to waive the tendering requirement for the procurement (i.e. continue to engage the incumbent supplier) according to paragraph 12(3) and 13(3) of Schedule 7, they are still required to follow the above declaration requirements.

**Para 22 and 23
of Sch. 7**

Declaration for no interest for large-scale maintenance procurement

- Before the first tender acceptance meeting (i.e. the first meeting of owners at which tenders for the procurement are to be considered) is held, responsible persons who have made a declaration of interest for the large-scale maintenance procurement must declare that they do not have any interest / dealings / connections, other than those already declared.
- For the responsible persons who have not made any declaration for the large-scale maintenance procurement, they are also required to declare that they do not have any such interest / dealings / connections before the first tender acceptance meeting.

**Para 31 and 32
of Sch. 7**

Forms for declarations

- The declarations must be made in specific forms (please see Appendix 14). If a person who makes the declaration is a body corporation, notwithstanding anything to the contrary in its constitution, the declaration must be impressed with its seal or chop and signed by a person authorized by it on that behalf
- The declarations must be made to the specific persons as follows:
 - ◆ The chairman of the owners' committee.
 - ◆ If the person who makes the declaration is the chairman of the owners' committee, or it is impracticable to make the declaration with above mechanism for reasons such as a vacancy in an office, then the declaration shall be made to every member of the owners' committee other than the declarant.
- The declaration can be made in hard copy or electronic form. If the copy is supplied in electronic form, the consent of the recipient must be obtained in advance.
- After a declaration of interest has been made, the manager must display the notice of the declaration (see Appendix 17) in a prominent place in the building within 7 days of the declaration date, for 7 consecutive days with following requirements:
 - ◆ The notice must specify the relevant procurement and the tender concerned;
 - ◆ The notice must specify the person who made the declaration, his / her position and identity; and
 - ◆ The notice must contain a statement indicating the right of the specified persons to inspect a copy of the declaration under Schedule 7.
- After a declaration of interest has been made, the manager must ensure that a copy of the declaration is produced to the owners at the first procurement meeting and attached to the minutes of the proceedings.

**Para 24 and 33
of Sch. 7**

**Para 25 & 34
of Sch. 7**

Section 2F(2)(a)

Para 26 of Sch. 7

Para 27 of Sch. 7

- For a declaration of no interest for large-scale maintenance procurement, the manager must ensure that the document is attached to the minutes of the proceedings at the first meeting of owners at which tenders for large-scale maintenance procurement works are considered. (See Appendix 18)
- A person who has declared to have interest must not participate in any assessment of tenders or any negotiation or other activity relating to the procurement, unless exemption is granted by the way of an owners' resolution (for which reasons shall be given for exemption and recorded in the minutes of the proceedings at the meeting).

Para 35 of Sch. 7

Para 29 of Sch. 7

Keeping of and access to procurement-related documents

- The manager must keep all the procurement documents, (including tender documents, contract documents, statements of account, invoices and other relevant documents), for 6 years after the date on which the contract is entered into.
- The manager must, at the writing request of not less than 5% of the owners, permit them to inspect the procurement documents at any reasonable time. If they request in writing that the manager supplies with a copy of the procurement documents, the manager shall supply the owner with a copy of the documents in hard copy or electronic form, within 28 days after the date on which the request is made. A reasonable copying charge may be imposed when the manager supplies the document in hard copy. The manager must not impose any charges for supplying the owner with the copy in electronic form.
- The manager must keep all the declaration documents for at least 6 years from the date on which a procurement contract is entered into. The manager must also permit a specified person, as follows, to inspect the declaration documents at any reasonable time –
 - ◆ An owner;
 - ◆ A registered mortgagee; or
 - ◆ Any person duly authorized in writing by an owner or registered mortgagee to conduct an inspection.

Para 10 of Sch. 7

Para 11 of Sch. 7

Paras 28 and 36 of Sch. 7

(C) Procedures to convene a meeting of owners if there is no corporation

Notices of meeting

- A person who convenes a meeting of owners (including an adjourned meeting) under the deed of mutant covenant must, at least 14 days before the date of the meeting, give notice of the meeting to each owner. The notice of meeting must specify the date, time and place of the meeting and the resolutions (if any) to be proposed at the meeting.

Para 39 of Sch. 7

Minutes of proceedings at meetings

- The manager must keep minutes of the proceedings at every meeting of owners for a period of 6 years after the date of the meeting.
- The manager must also display such record at a prominent place in the building within 28 days after the date of meeting and cause the minutes to remain so displayed for at least 7 consecutive days.
- Any of the following specified persons, can request the manager in writing, a copy of the minutes:
 - ◆ An owner;
 - ◆ A registered mortgagee; or
 - ◆ Any person duly authorized in writing by an owner or registered mortgagee to make a request.
- The manager shall supply the owner with a copy of the document within 28 days after the date on which the request is made in hard copy or electronic format. A reasonable copying charge may be imposed when the manager supplies the document in hard copy. The manager must not impose any charges for supplying the owner with the copy in electronic form.

Para 40 of Sch. 7

Para 41 of Sch. 7

Section 2F(2)(a)

Authorized natural persons for corporate flat owners

- Apart from appointing a proxy, the Ordinance also allows a corporate flat owner, by written notice (an authorization notice, see Appendix 10), authorize a natural person to act on its behalf for the meeting. The authorization notice must be given to the person in charge of the meeting at least 48 hours before the time of the meeting.
- The authorization notice can be given either in hard copy or in electronic form. If the notice is given in electronic form, the consent of the recipient must be obtained in advance.
- The authorization notice must be impressed with its seal or chop, and signed by a person authorized by it for that purpose, notwithstanding anything to the contrary in the corporate flat owner's constitution.
- Authorizing a natural person to attend and vote at a meeting of owners on behalf of a corporate flat owner will be deemed as the corporate flat owner attending and voting personally at the meeting.
- If a corporate flat owner authorizes a natural person to act on its behalf at a meeting, the owner cannot appoint a proxy again for the same meeting. If the corporate flat owner has previously appointed a proxy, and subsequently authorizes a natural person to act on its behalf at the same meeting, the instrument appointing the proxy shall be deemed to be revoked.
- If a meeting of owners is adjourned, the authorization notice of a natural person for the original meeting will continue to be effective unless the corporate flat owner indicates a contrary intention, revokes the original authorization notice or authorise another natural person in respect of the adjourned meeting.

Para 42 of Sch. 7

Section 2F(2)(a)

Para 43 of Sch. 7

Para 44 of Sch. 7

Specific procedures at meetings of owners concerning large-scale maintenance procurement

- If the resolution for the proposed large-scale maintenance procurement (including whether a tender submitted should be accepted; whether the large-scale maintenance works contract entered into should be varied or terminated) will be proposed at a meeting of owners, the notice of meeting must comply with the specified format –
 - ◆ The statement of the proposed resolution for the large-scale maintenance procurement must be specified with the title “Important Reminder” (in English) and “重要提示” (in Chinese).
- If the resolution for the proposed large-scale maintenance procurement concerns whether a tender submitted is to be accepted or not, the notice of meeting should, in respect of each valid tender, set out clearly:
 - (1) the estimated amount to be contributed from building management funds for the procurement; and
 - (2) the estimated apportioned amount that each owner has to contribute for the procurement in addition to the contribution from the building management funds.
- If the resolution for the proposed large-scale maintenance procurement concerns whether a contract entered into is to be varied or terminated, and it is anticipated that the owners will incur financial liabilities as a result of the variation or termination of the contract, the notice of meeting must set out clearly:
 - (1) The estimated amount to be contributed from each building management fund for settling the costs; and
 - (2) The estimated apportioned amount that each owner has to contribute for settling the costs in addition to the contribution from the building management funds.

**Para 46 and 48
of Sch. 7**

- If the resolution proposed at the meeting of the owners is related to a large-scale maintenance procurement, it is subject to the voting-in-person threshold, i.e. 5% of the owners or 100 owners (whichever is the lesser), must vote personally to pass the resolution.
- The manager must ensure that the minutes of the proceedings of the relevant meeting of owners contain the total number of votes cast personally and by proxy respectively.

How can a corporate flat owner vote personally?

If the owner is a body corporate, it may authorize a natural person to vote on its behalf at a meeting of owners. This will be deemed as the corporate flat owner voting personally.

If the corporate flat owner votes by appointing a proxy, the vote will not be deemed as voting personally.

- If the resolution for a large-scale maintenance procurement will be proposed at a meeting of owners, the manager must supply each owner with a copy of the minutes of the proceedings within 28 days after the date of the meeting in either hard copy or electronic form. If the document is supplied in electronic form, the consent of the recipient must be obtained in advance.

Other matters relating to the manager

- The manager of any building shall not be entitled to be indemnified by the OC or by the owners of the flats in that building in respect of any legal costs, charges, expenses or fees relating to any civil or criminal proceedings (whether successful or otherwise) between or in respect of that manager and that OC or those owners. Any such provision contained in the DMC shall be void and of no effect.
- If any share in the building had not or has not been sold, the owner for the time being of the share shall be liable to pay the management expenses relating to the share.

Para 49 of Sch. 7

Para 50 of Sch. 7

Para 43 of Sch.7

Para 51 of Sch. 7

Section 34L

Section 34G

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 and Youth 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”?

The list of “Building Management Agent” compiled from time to time with reference to the licensed property management company gazetted by the Property Management Services Authority (PMSA) under the Property Management Services Ordinance (Cap. 626).

Section 40B

For a building without an OC

Section 40C

- 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.

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

Application for Registration of Owners as a Corporation (provided by the Land Registry — L.R. 164)

Appendix 1

BUILDING MANAGEMENT ORDINANCE (Cap. 344)

(Section 7)

APPLICATION FOR REGISTRATION OF OWNERS AS A CORPORATION^{1,2,3}

* Delete whichever is not applicable.

Application is hereby made on behalf of the Management Committee appointed under Section *3/3A/4/40C of the Building Management Ordinance for registration of the owners of the under-mentioned building as a corporation, particulars of which are as follows:

For information about sections 3, 3A, 4 or 40C of the Building Management Ordinance (Cap.344), please refer to the attached Brief Notes.

(1) English and Chinese Name of the proposed Corporation

The Incorporated Owners of

(Description of building) ("Building")

業主立案法團

(建築物說明) ("該建築物")

*(Please delete if no Chinese name is designated)

(2) Name, if any, and Address of the Building:

(3) Address of the proposed Registered Office of the Corporation:

(4) Name and address of the Chairman and the Secretary of the Management Committee:

	Name [@]		Address ⁴
	English	Chinese	
Chairman			
Secretary			

[@] Please insert both English and Chinese (if applicable) names as appearing in Hong Kong Identity Card or other identity document. Please enter "N/A" if no Chinese name.

2. The following documents are attached:

† Delete whichever is not applicable

(1) Copy of Deed of Mutual Covenant dated and registered in the Land Registry by Memorial No.

†(2) Copy of Order of the Secretary for Home and Youth Affairs dated in (applicable for the appointment of the Management Committee under section 3A)
No. of 20

†(3) Copy of Order of the Lands Tribunal dated in (applicable for the appointment of the Management Committee under section 4/40C)
No. of 20

(4) Copy of Resolution or other document evidencing the appointment of the Management Committee certified as correct by the * Chairman/Secretary of the Management Committee/chairman of the meeting at which the resolution was passed.

* Delete whichever is not applicable.

(5) Declaration by the *Chairman/Secretary of the Management Committee that the provisions of Section *3/3A/4/40C and the relevant provisions in Section 5B have been complied with.

(6) Statements by the members of the Management Committee confirming that he/she does not fall within the description of paragraph 4(1)(a) or (b) of Schedule 2.[#]

[#] A member or an authorized representative of the that member, being a body corporate who fails to lodge the statement with the secretary of the management committee within 21 days after the appointment shall cease to be such member.

3. We have read the 'Personal Information Collection Statement' and fully understand it.

Dated this day of 20

Chairman of the Management Committee

Secretary of the Management Committee

To the Land Registrar,
Hong Kong.

(Please also affix the common seal/company chop if the chairman / secretary is a body corporate)

Note:

1. Application for registration of owners as a corporation must be made within 28 days of the appointment of the Management Committee.
2. A separate filing fee, the amount of which being specified in the Building Management (Fees) Regulations (Cap. 344 sub. leg. A), is payable for each document attached to this application.
3. You can submit the application by post, in person or online. Our different search offices provide owners' corporation services for respective districts. The information of our offices are provided in the attached loose-leaf on "Information of the Land Registry's Offices". For application sent in by post, please ensure that sufficient postage is paid to avoid unsuccessful delivery. Any underpaid mail will be handled by the Hongkong Post and the Land Registry will not settle the relevant surcharge payment.
4. The address may be a residential address or other valid correspondence address.

Personal Information Collection Statement (Applicable to the forms provided by the Land Registry)

Appendix 2

PERSONAL INFORMATION COLLECTION STATEMENT

Purpose of Collection

1. The personal data collected in this form will be used by the Land Registry for the following purposes:

- 1.1 to carry out activities and the Land Registry's functions relating to the provision of services by the Land Registry;
- 1.2 to facilitate communications; and
- 1.3 to produce statistics relating to the Land Registry's service;

You understand that the provision of personal data is obligatory. If you fail to provide information as required in this form, the Land Registry may not be able to provide the requested service.

Please do NOT provide any personal data (including personal data relating to third parties) which are not specifically required to be submitted. Where information of any third party is included in this form or in any document(s) filed in relation to it, the Land Registry will treat that you have obtained consent from such third party to disclose such information for the purposes above.

Disclosure of Personal Data

2. You understand that the personal data provided in this form may be disclosed or transferred to relevant parties where such disclosure or transfer is necessary for the purposes as stated in paragraph 1 above. Such personal data may also be disclosed or transferred to law enforcement agencies as permitted under the Personal Data (Privacy) Ordinance (Cap. 486) ("PDPO").

Access to Personal Data

3. You understand that pursuant to Sections 18 and 22 and Principle 6 of Schedule 1 of the PDPO, you have the right to request access to and correction of your personal data held by the Land Registry. The Land Registry may charge a fee to process the said request in accordance with the PDPO. Any such request shall be made to the Personal Data (Privacy) Officer of the Land Registry at 28th Floor, Queensway Government Offices, 66 Queensway, Hong Kong.

OI PICS (Rev. 1/2021)

Statement of Eligibility (provided by the Land Registry — L.R. 175)

Appendix 3

Corporation No. : _____

BUILDING MANAGEMENT ORDINANCE (Cap. 344)

STATEMENT OF ELIGIBILITY

UNDER PARAGRAPH 4(3) OF SCHEDULE 2¹

*To delete if not applicable.

The Incorporated Owners of _____

(^{*}Name of Corporation / proposed Corporation)

^{*} Insert the name as appearing in the Hong Kong Identity Card or other identity document.

I, (^{*}English name) _____ (^{*}Chinese name) _____,

[♦] To be deleted if no Chinese name.

of (address)² _____

^{*}being an authorized representative of _____ ("the body corporate") (name of body corporate)

^{*} (Only applicable if the member of the Management Committee of the Corporation/proposed Corporation is a body corporate (e.g. a limited company). Delete if the member of the Management Committee of the Corporation/proposed Corporation is an individual. Please do not fill in the name of the Corporation/proposed Corporation.)

^{*} To delete if not appropriate.

confirm that:

[^] A member or an authorized representative of that member, being a body corporate who fails to lodge the statement with the secretary of the management committee within 21 days after the appointment shall cease to be such member.

(1) ^{*}I am / The body corporate is a member of the management committee[^] of the above ^{*}Corporation / proposed Corporation appointed under the Building Management Ordinance.

(2) For the purposes of paragraph 4(3) of Schedule 2 to the Building Management Ordinance, I

- (i) am not an undischarged bankrupt at the time of the appointment;
- (ii) have, within the previous 5 years, neither obtained a discharge in bankruptcy nor entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with my creditors, in either case without paying the creditors in full; and
- (iii) have not, within the previous 5 years, been convicted of an offence in Hong Kong or any other place for which I have been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine.

(3) I have read the 'Personal Information Collection Statement' and fully understand it.

I understand if I know, or reasonably ought to know, any information contained herein to be false in a material particular, I shall be guilty of an offence under section 36 of the Building Management Ordinance.

Dated this _____ day of _____

Signature of the above-named person : _____

[@] A witness may be any person aged 18 or above or another MC member.

Signature of Witness[@] _____

#Name: _____

- Note:
1. You can submit the statement by post, in person or online. Our different search offices provide owners' corporation services for respective districts. The information of our offices are provided in the attached loose-leaf on "Information of the Land Registry's Offices". For statement sent in by post, please ensure that sufficient postage is paid to avoid unsuccessful delivery. Any underpaid mail will be handled by the Hongkong Post and the Land Registry will not settle the relevant surcharge payment.
 2. The address may be a residential address or other valid correspondence address.

Notice of Change of Particulars / Notice of Policy of Insurance Appendix 4 (provided by the Land Registry — L.R. 124)

Corporation No. : _____

BUILDING MANAGEMENT ORDINANCE (Cap. 344) ("the Ordinance")

(Section 12(3) and Section 28(6A))^{*}

NOTICE OF CHANGE OF PARTICULARS / NOTICE OF POLICY OF INSURANCE^{1,2}

The Incorporated Owners of _____

(Name of Corporation)

* ☐ NOTICE is hereby given that with effect from _____ (day/month/year),
particulars of the above-named Corporation have been changed as follows:

* Please ✓
whichever is
applicable

Name of the corporation: _____

← (Please leave blank

Name and address of the building: _____

← if there is no

Address of the registered office of the corporation: _____

← change.)

* Please insert
both English
and Chinese
names as
appearing in
the Hong Kong
Identity Card
or other
identity
document.
If no English
name or
Chinese name,
please enter
"N/A".

↓ (Please leave blank if there is no change to the particulars of the Chairman, Vice-chairman, Secretary, Treasurer and members of the Management Committee.)

Management Committee ³			Address ⁴
English ⁵	Chinese ⁵		
		Chairman	
		Vice-chairman	
		Secretary	
		Treasurer	
		Member	
		Member	
		Member	

(If there is not enough space above to fill in all the change of particulars, please attach a separate sheet for additional information)

⁶ For information
about sections
12(3) and 28(6A)
of the Ordinance,
please refer to the
attached Brief * ☐
Notes.

NOTICE is hereby given that a policy of insurance under section 28(1) ^{*} of the Ordinance was effected
on _____ (day/month/year) as follows:

Name of insurance company:	
Address of insurance company:	
Period covered by the policy of insurance:	From _____ to _____ (DD/MM/YYYY) (DD/MM/YYYY)

I hereby confirm that the information given in this notice is true and correct.⁵

I have read the 'Personal Information Collection Statement' and fully understand it.

Dated this _____ day of _____.

(Signature: _____)

(Name: _____)

⁸ Delete whichever
is not applicable.

(Please fill in block letters)

⁹Chairman / Vice-chairman / Secretary / Treasurer / Member
of the Management Committee

To the Land Registrar,
Hong Kong.

(Please affix the common seal/company chop in the case of a body corporate)

- Notes
- For any change in the registered particulars, the management committee shall give notice of change in the registered particulars to the Land Registrar within 28 days of the date of change (see section 12(3) of the Ordinance). In relation to a policy of insurance, the secretary of the management committee shall, within 28 days after the corporation has effected a policy of insurance, give notice of the name and address of the insurance company and the period covered by the policy of insurance to the Land Registrar (see section 28(6A) of the Ordinance).
 - You can submit the notice by post, in person or online. Our different search offices provide owners' corporation services for respective districts. The information of our offices are provided in the attached loose-leaf on "Information of the Land Registry's Offices". For notice sent in by post, please ensure that sufficient postage is paid to avoid unsuccessful delivery. Any underpaid mail will be handled by the Hongkong Post and the Land Registry will not settle the relevant surcharge payment.
 - (i) A member of the management committee who fails to lodge with the secretary of the management committee a statement of eligibility (L.R. 175) within 21 days after his appointment shall cease to be such member (see paragraph 4(4) of Schedule 2 to the Ordinance). The secretary of the management committee should inform all members the said obligation and the consequence for non-compliance thereof.
(ii) The secretary of the management committee shall lodge with the Land Registrar the statement of eligibility (L.R. 175) made by such member within 28 days after receiving the same (see paragraph 4(6) (b) of Schedule 2 to the Ordinance).
(iii) A person is not eligible to be appointed as a member of the management committee if he—
(a) is an undischarged bankrupt at the time of the appointment or has, within the previous 5 years, either obtained a discharge in bankruptcy or entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap.6) with his creditors, in either case without paying the creditors in full (see paragraph 4(1)(a) of Schedule 2 to the Ordinance); or
(b) has, within the previous 5 years, been convicted of an offence in Hong Kong or any other place for which he has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine (see paragraph 4(1)(b) of Schedule 2 to the Ordinance).
(iv) A person (not being a person appointed in his capacity as the tenants' representative) who is not an owner of the building cannot be appointed as a member of the management committee (see paragraphs 2(1)(b) and 5(2)(a) of Schedule 2 to the Ordinance).
(v) A member of a management committee shall cease to be a member of the committee if he ceases to be an owner, if appointed in his capacity as an owner (see paragraph 4(2)(c) of Schedule 2 to the Ordinance).
(vi) Any person (irrespective of whether or not he is a member of the management committee) may be appointed as the secretary or treasurer of the management committee. (see paragraph 2(1)(c)(i) and (iii) to Schedule 2 respectively).
 - The address may be a residential address or other valid correspondence address.
 - Under section 36 of the Ordinance, any person who—
(a) in any form required by the Ordinance, or in any notice or document given, issued or made for the purposes of the Ordinance, makes any statement or furnishes any information; or
(b) furnishes any information required to be furnished under the Ordinance, which he knows, or reasonably ought to know, to be false in a material particular, shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- L.R. 124 (Rev. 1/2025)

Notice of Change of Particulars / Notice of Policy of Insurance Appendix 4A (provided by the Land Registry — L.R. 124) (Sample)

SAMPLE [Please fill in the Corporation No. shown on the Certificate of Registration.] Corporation No. : xxx

BUILDING MANAGEMENT ORDINANCE (Cap. 344) ("the Ordinance")
(Section 12(3) and Section 28(6A))⁴

NOTICE OF CHANGE OF PARTICULARS / NOTICE OF POLICY OF INSURANCE^{1,2}
[It must be same as the corporation name shown on the Certificate of Registration]

The Incorporated Owners of WELL MANAGED BUILDING

[Please fill in the effective date of change of particulars of the corporation or the effective date of appointment of new management committee/ new members/ replacements.]

*☒ NOTICE is hereby given that with effect from xx/xx/20xx (day/month/year), particulars of the above-named Corporation have been changed as follows:

Name of the corporation: _____
Name and address of the building: _____
Address of the registered office of the corporation: _____

[Please insert particulars of any change.] (Please leave blank if there is no change.)

↓ (Please leave blank if there is no change to the particulars of the Chairman, Vice-chairman, Secretary, Treasurer and members of the Management Committee.)

Management Committee ³			Address ⁴
English [@]	Chinese [@]		
CHAN Siu-man	陳小敏	Chairman	Flat A, 2/E, No. 3 Tai Tung Street, Kowloon
WONG Yat-sum	黃一心	Vice-chairman	Flat A, 3/E, No. 3 Tai Tung Street, Kowloon
Tin Tin Company Limited represented by Chan Tai-man	陳大文 代表 天天有限公司	Secretary (non-member)	Flat A, 4/E, No. 3 Tai Tung Street, Kowloon
CHEUNG Chi-yan	張志仁	Treasurer	Flat A, 5/E, No. 3 Tai Tung Street, Kowloon
HIO Wing-fat	何永發	Member	Flat A, 6/E, No. 3 Tai Tung Street, Kowloon
LEE Ho-oi	李可愛	Member	Flat A, 7/E, No. 3 Tai Tung Street, Kowloon
WONG Siu-ming	王小明	Resigned Member	

(If there is not enough space above to fill in all the change of particulars, please attach a separate sheet for additional information)

*☒ NOTICE is hereby given that a policy of insurance under section 28(1)⁵ of the Ordinance was effected on xx/xx/20xx (day/month/year) as follows:

Name of insurance company:	On Sum Insurance
Address of insurance company:	2/F., On Sum Insurance Tower, No.12 On Sum Road, Kowloon
Period covered by the policy of insurance:	From <u>xx/xx/20xx</u> (DD/MM/YYYY) to <u>xx/xx/20xx</u> (DD/MM/YYYY)

I hereby confirm that the information given in this notice is true and correct.⁵
I have read the 'Personal Information Collection Statement' and fully understand it.
Dated this xx day of [month] [year] .

(Signature: _____)
(Name: CHAN TAI MAN representing Tin Tin Company Limited)

[The date on which this notice is signed.]

To the Land Registrar,
Hong Kong.

(Please affix the common seal/company chop in the case of a body corporate)

To affix a common seal or a Company Chop

* Please ✓ whichever is applicable

* Please insert both English and Chinese names as appearing in the Hong Kong Identity Card or other identity document. If no English name or Chinese name, please enter "N/A"

* For information about sections 12(3) and 28(6A) of the Ordinance, please refer to the attached Brief Notes.

All names, addresses and other information of the owners' corporation are sample information only

* Delete whichever is not applicable.

- Notes
- For any change in the registered particulars, the management committee shall give notice of change in the registered particulars to the Land Registrar within 28 days of the date of change (see section 12(3) of the Ordinance). In relation to a policy of insurance, the secretary of the management committee shall, within 28 days after the corporation has effected a policy of insurance, give notice of the name and address of the insurance company and the period covered by the policy of insurance to the Land Registrar (see section 28(6A) of the Ordinance).
 - You can submit the notice by post, in person or online. Our different search offices provide owners' corporation services for respective districts. The information of our offices are provided in the attached loose-leaf on "Information of the Land Registry's Offices". For notice sent in by post, please ensure that sufficient postage is paid to avoid unsuccessful delivery. Any underpaid mail will be handled by the Hong Kong Post and the Land Registry will not settle the relevant surcharge payment.
 - (i) A member of the management committee who fails to lodge with the secretary of the management committee a statement of eligibility (L.R. 175) within 21 days after his appointment shall cease to be such member (see paragraph 4(4) of Schedule 2 to the Ordinance). The secretary of the management committee should inform all members the said obligation and the consequence for non-compliance thereof.
(ii) The secretary of the management committee shall lodge with the Land Registrar the statement of eligibility (L.R. 175) made by such member within 28 days after receiving the same (see paragraph 4(6) of Schedule 2 to the Ordinance).
(iii) A person is not eligible to be appointed as a member of the management committee if he—
(a) is an undischarged bankrupt at the time of the appointment or has, within the previous 5 years, either obtained a discharge in bankruptcy or entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his creditors, in either case without paying the creditors in full (see paragraph 4(1)(a) of Schedule 2 to the Ordinance); or
(b) has, within the previous 5 years, been convicted of an offence in Hong Kong or any other place for which he has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine (see paragraph 4(1)(b) of Schedule 2 to the Ordinance).
(iv) A person (not being a person appointed in his capacity as the tenants' representative) who is not an owner of the building cannot be appointed as a member of the management committee (see paragraphs 2(1)(b) and 5(2)(a) of Schedule 2 to the Ordinance).
(v) A member of a management committee shall cease to be a member of the committee if he ceases to be an owner, if appointed in his capacity as an owner (see paragraph 4(2)(c) of Schedule 2 to the Ordinance).
(vi) Any person (irrespective of whether or not he is a member of the management committee) may be appointed as the secretary or treasurer of the management committee (see paragraph 2(1)(c)(ii) and (iii) to Schedule 2 respectively).
 - The address may be a residential address or other valid correspondence address.
 - Under section 36 of the Ordinance, any person who—
(a) in any form required by the Ordinance, or in any notice or document given, issued or made for the purposes of the Ordinance, makes any statement or furnishes any information; or
(b) furnishes any information required to be furnished under the Ordinance, which he knows, or reasonably ought to know, to be false in a material particular, shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 6 months.
- L.R. 124 (Rev. 1/2025)

Statement of Change of Particulars (provided by the Land Registry — L.R.176)

Appendix 5

Corporation No. : _____

BUILDING MANAGEMENT ORDINANCE (Cap. 344) (“the Ordinance”) STATEMENT OF CHANGE OF PARTICULARS UNDER PARAGRAPH 4(5) of SCHEDULE 2¹

The Incorporated Owners of _____
(Name of Corporation)

* Please insert names as appearing in the Hong Kong Identity Card or other identity document.
† Please enter ‘N.A.’ if no Chinese name.

I, (*English name) _____ (*Chinese name) _____,

of (address)² _____,

confirm that:

* To delete if not applicable.

† To insert the place where the person making the statement is convicted of an offence.

(1) I ceased to be *a member of the management committee of the above Corporation / *the authorized representative of _____ (name of corporate member) appointed under the Ordinance.

* (Only applicable if the member of the Management Committee of the Corporation is a body corporate (e.g. a limited company))

(2) For the purposes of paragraph 4(5) of Schedule 2 to the Ordinance, there has been a change in the particulars as follows:

* (i) a bankruptcy order was made against me on _____ (day/month/year) ;

* (ii) I have on _____ (day/month/year) entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with my creditors, without paying the creditors in full;

* (iii) I have on _____ (day/month/year) been convicted of an offence in _____
† _____ for which I have been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine.

(3) I have read the ‘Personal Information Collection Statement’ and fully understand it.

I understand if I know, or reasonably ought to know, any information contained herein to be false in a material particular, I shall be guilty of an offence under section 36 of the Ordinance.

Dated this _____ day of _____

Signature of the above-named person: _____

¹ A witness may be any person aged 18 or above or another member of the MC.

Signature of Witness¹: _____

Name: (Please fill in block letters)

Note: 1. You can submit the statement by post, in person or online. Our different search offices provide owners’ corporation services for respective districts. The information of our offices are provided in the attached loose-leaf on “Information of the Land Registry’s Offices”. For statement sent in by post, please ensure that sufficient postage is paid to avoid unsuccessful delivery. Any underpaid mail will be handled by the Hongkong Post and the Land Registry will not settle the relevant surcharge payment.
2. The address may be a residential address or other valid correspondence address.

Statutory Format of the Instrument of Proxy for Meetings of Corporation

Appendix 6

FORM 2

INSTRUMENT OF PROXY FOR MEETINGS OF CORPORATION

The Incorporated Owners of
(description of building)

I/We, (name(s) of owner(s)),
being the owner(s) of
..... (unit and address of building),
hereby appoint (name of proxy)
*[or failing him (name of
alternative proxy)], as my/our proxy to attend and vote on my/our behalf at the
[*general meeting/annual general meeting] of The Incorporated Owners
of (description of
building), to be held on the day
of*[and at any adjournment thereof].

Dated this day of

(Signature of owner(s))

*Delete where inapplicable.

The format as shown in this instrument is the statutory one which is set out in the Building Management Ordinance (Form 2 in Schedule 1A). No alteration of the format is permitted.

Statement of Purposes in respect of Collection of Personal Data (Sample)

Appendix 7

(for reference only)

Purpose of Collection

1. This instrument is to be used by you to appoint a proxy to attend the general meeting of the corporation / the annual general meeting of the corporation and any adjourned meeting (if applicable). Your proxy will form the quorum and vote on your behalf at the meeting.
2. The chairman and / or secretary of the management committee (MC) of the owners' corporation (OC) may follow up on the personal data you provided in this instrument and, if necessary, will contact you for the purpose of verifying the validity of the appointment of your proxy.

Consent of your Proxy

3. You should obtain the consent of your proxy in using his/her personal data provided in this instrument, and provide your proxy with this statement, informing him / her of the purpose for collecting his / her personal data.

Classes of Transferees

4. The OC and its MC may disclose the personal data you provided in this instrument to other owners of this building, and / or other relevant persons and bodies for the purposes mentioned in paragraph 2 above.

Access to Personal Data

5. You have the rights of access and correction to the personal data as provided for in sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance, Cap. 486. Your right of access includes the right to obtain a copy of your personal data provided in this instrument.

Enquiries

6. Enquiries concerning the personal data collected by means of this instrument, including requests for access to and correction of data, should be directed to the secretary of the MC (Telephone Number: _____)

Acknowledgement Receipt of the Instrument of Proxy (Sample) Appendix 8

Acknowledgement Receipt of the Instrument of Proxy (Sample)

_____ (Date)

To : [#]The owner(s) of/body corporate which owns Flat ____, Floor ____, Block ____

General Meeting of _____
(name of owners' corporation)

(Date and time of the meeting: _____ #a.m./p.m. on _____)

I hereby acknowledge receipt of the instrument of proxy lodged by
you.

According to paragraph 4(5)(b) of Schedule 3 to the Building
Management Ordinance, the chairman of the management committee or, if he
is absent, the person who presides at the meeting shall determine the validity of
the instrument.

Name of the secretary of the management committee :

Signature :

[#]Delete where inapplicable.

List of Flats with Instruments of Proxy lodged (Sample)

General Meeting of _____
(name of owners' corporation)

Date :

Time :

Venue :

The owners of the flats listed below have lodged the instruments appointing proxies with the secretary of the management committee –

Flats		

Note :

- (1) The secretary of the management committee shall display the list of the flats whose owners have lodged the instruments of proxy (irrespective of validity) in a prominent place in the place of the meeting before the time for the holding of the meeting and cause the list to remain so displayed until the conclusion of the meeting.
- (2) Those flats whose instruments of proxy have been determined to be invalid by the chairman of the management committee or, if he is absent, the person who presides at the meeting, are marked with a sign.

Authorization notice of natural persons by Corporate Flat Owner (Sample)

Appendix 10

Authorization notice of the natural person for general meeting of a corporation / meetings of owners*

[The incorporated owners of]* _____
(description of building)

The company / We*, _____ (name of
the corporate flat owner), being the owner of _____
_____ (unit and address of building), hereby authorize
_____ (name of the authorized natural person) to attend and
vote on behalf of the company/our behalf* at the [general meeting / annual general meeting*
of the corporation]* / [meeting of owners]* of _____
_____ (description of building) to be held on the _____ day of
_____ in _____ [and at any adjournment thereof]*.

The company / We* understand that, the vote of the authorized natural person at the meeting
will be regarded as the vote of the company / us* in person at the meeting.

Dated this _____ day of _____

Common seal of the corporate flat owner: _____

Signature of representative of the corporate flat owner: _____

*Delete where inapplicable

Purpose of Collection

- ### Consent of your Proxy

- ### Classes of Transferees

- ### Access to Personal Data

- ## Enquiries

- 130

Acknowledgement Receipt of the authorization notice of natural persons (Sample)

_____ (Date)

To: The corporate flat owner of _____ (unit and address of building)

General meeting of _____
(name of the incorporated owners)

(Date and time of the meeting: _____ a.m. / p.m.* on _____)

I hereby acknowledge receipt of the authorization notice lodged by you.

According to the paragraph 4(5)(b) of Schedule 3 to the Building Management Ordinance, the chairman of the management committee or, if he is absent, the person who presides at the meeting shall determine the validity of the instrument.

Name of the secretary of the management committee: _____

Signature: _____

*Delete where inapplicable

List of Flats with authorization notices of natural person lodged (Sample)

General Meeting of _____
(name of owners' corporation)

Date :

Time :

Venue :

The owners of the flats listed below have lodged the authorization notices of natural person with the secretary of the management committee –

Flats		

Note :

- (1) The secretary of the management committee shall display the list of the flats whose owners have lodged the authorization notice (irrespective of validity) in a prominent place at the place of the meeting before the meeting is held until the conclusion of the meeting.
- (2) Those flats whose instruments of proxy have been determined to be invalid by the chairman of the management committee or, if he is absent, the person who presides at the meeting, are marked with a sign.

Declaration forms for the participants of a management committee in accordance with Schedule 6B (Sample)

Appendix 14

14A Declaration on **HAVING** interest(s) or connection(s) for the tenders submitted

Declaration on **HAVING** interest(s) or connection(s) for the tenders submitted
(for the participant of a Management Committee (MC) to declare before a contract is entered into for the procurement)

To : MC Chairperson / Secretary / All members*

Owners' Corporation of _____
(Description of the building)

I / We*, _____ (Name of the declarant or body corporate), being the Chairperson / Vice Chairperson / Secretary / Treasurer / Member* of the aforementioned MC of the Owners' Corporation, make the following declaration(s) on the procurement of _____ (brief description of the procurement)*:

☐ I / We* have pecuniary and/or personal interest(s) in the tender(s) submitted and declare as follows:

Supplier / Contractor's name: _____

Brief of personal interest(s) to be declared: _____

(Please attach and sign on supplementary sheets if necessary)

☐ I / We* have connection(s) with a person or body corporate^ who has submitted the tender(s), and declare as follows:

Tenderer's name: _____

Brief of connection(s) to be declared: _____

(Please attach and sign on supplementary sheets if necessary)

* Delete as appropriate

Please insert a "✓" in the appropriate box.

^ As defined in sections 2(5) and (6) of the Building Management Ordinance (Cap. 344)

Name of the declarant or authorized
representative of body corporate
(in BLOCK LETTER)

Signature

Body corporate seal (if applicable):

Body corporate name (if applicable):

Date:

Appendix 14-2

14B Declaration on **NO** interest(s) or connection(s) for the tenders submitted for the large-scale maintenance procurement

Large-scale Maintenance Procurement
Declaration on NO interest(s) or connection(s) for the tenders submitted
(for each participant of the Management Committee (MC) to declare
before the first tender acceptance meeting is held)

To: MC Chairperson / Secretary / All members*

Owners' Corporation of _____

(Brief description of the building)

I / We*, _____ (Name of the declarant or body corporate),
being the Chairperson / Vice Chairperson / Secretary / Treasurer / Member* of the aforementioned MC of the
Owners' Corporation, make the following declaration(s) on the procurement of
_____ (brief description of the procurement) #:

I. Pecuniary or other personal interest(s) in the tender(s) submitted

- ☐ I / We*, apart from the declaration(s) on **ALL** interests in the tenders submitted on the date(s) below, have no other pecuniary or personal interest in the tender(s) submitted:

_____ (Please provide the signature date of the corresponding declaration(s))

OR

- ☐ I / We* have **NO** pecuniary or other personal interest in the tender(s) submitted.

II. Connection(s) with a person / body corporate who has submitted a tender[^]

- ☐ I / We*, apart from the declaration(s) on **ALL** connections with a person or body corporate who has submitted a tender on the date(s) below, have no other connection with a person or body corporate who has submitted a tender:

OR _____ (Please provide the signature date of the corresponding declaration(s))

- ☐ I / We* have **NO** connection with a person or body corporate who has submitted a tender.

* Please delete as appropriate.

You must complete Part I and II. Please insert a "✓" in the appropriate box.

[^] As defined in sections 2(5) and (6) of the Building Management Ordinance (Cap. 344)

Name of the declarant or authorized
representative of body corporate
(in BLOCK LETTER)

Signature

Body corporate seal (if applicable):

Body corporate name (if applicable):

Date:

Declaration forms for the responsible person / manager of a procurement in accordance with Schedule 6B or Schedule 7 (Sample) Appendix 15

15A Declaration on having dealing(s) or connection(s) with a member of the MC / owners' committee; having interest(s) or connection(s) for the tender(s) submitted

Declaration on HAVING dealing(s) or connection(s) with a member of the Management Committee (MC) / Owners' Committee; and / or HAVING interest(s) or connection(s) for the tender(s) submitted
(for the responsible person / manager of a procurement to declare
before a contract is entered into for the procurement)

To : MC / Owners' Committee* Chairperson / Secretary (for MC only) / All members*

Owners' Corporation / Owners' Committee* of _____
(Description of the building)

I / We*, _____ (Name of the declarant or company name),
being the responsible person / manager* of the procurement for the aforementioned building, make the following
declaration(s) on the procurement _____

_____ (brief description of the procurement) #:

☐ I / We* have pecuniary and / or other personal dealing(s) with a member of an MC / owners' committee* and
declare as follows:

Name of the member: _____ Post: _____

Brief of dealing(s) to be declared: _____

(Please attach and sign on supplementary sheets if necessary)

☐ I / We* have connection(s)^ with a member of an MC / owners' committee* and declare as follows:

Name of the member: _____ Post: _____

Brief of connections(s) to be declared: _____

(Please attach and sign on supplementary sheets if necessary)

☐ I / We* have pecuniary and/or other personal interest(s) in the tender(s) submitted and declare as follows:

Supplier / Contractor's name: _____

Brief of personal interest(s) to be declared: _____

(Please attach and sign on supplementary sheets if necessary)

Appendix 15-2

☐ I / We* have connection(s) with a person or body corporate^ who has submitted the tender(s), and declare as follows:

Tenderer's name: _____

Brief of connection(s) to be declared: _____

(Please attach and sign on supplementary sheets if necessary)

* Delete as appropriate

Please insert a "✓" in the appropriate box.

^ As defined in sections 2(5) and (6) of the Building Management Ordinance (Cap. 344)

Name of the declarant or authorized
representative of company
(in BLOCK LETTER)

Signature

Company seal (if applicable):

Company name (if applicable):

Date:

15B Declaration on no dealing(s) or connection(s) with a member of the MC / owners' committee; no interest(s) or connection(s) for the tender(s) submitted for large-scale maintenance procurement

Large-scale Maintenance Procurement
Declaration on NO dealing(s) or connection(s) with a member of the Management Committee (MC) / owners' committee; NO interest(s) or connection(s) for the tender(s) submitted
(for each responsible person / manager to declare
before the first tender acceptance meeting is held)

To : MC / Owners' Committee* Chairperson / Secretary (for MC only) / All members*

Owners' Corporation / Owners' Committee* of _____
(Description of the building)

I / We*, _____ (Name of the declarant or company name),
being the responsible person / manager* of the procurement for the aforementioned building, make the following
declaration(s) on the procurement _____
_____ (brief description of the procurement) #:

I. Pecuniary and / or other personal dealing(s) with a member of an MC / owners' committee

- ☐ I / We*, apart from the declaration on **ALL** pecuniary or other personal dealings with a member of an MC / owners' committee* on the date(s) below, have **NO** other pecuniary or personal dealing with a member of an MC / owners' committee*.

OR _____ (Please provide the signature date of the corresponding declaration(s))

- ☐ I / We* have **NO** pecuniary or other personal dealing with a member of an MC / owners' committee.

II. Connection with a member of an MC / owners' committee^

- ☐ I / We*, apart from the declaration on **ALL** connections with a member of an MC / owners' committee* on the date(s) below, have **NO** other connection with a member of an MC / owners' committee*.

OR _____ (Please provide the signature date of the corresponding declaration(s))

- ☐ I / We* have **NO** connection with a member of an MC / owners' committee*.

(Continued on next page)

Appendix 15-4

III. Pecuniary or other personal interest(s) in the tender(s) submitted

- ☐ I / We*, apart from the declaration(s) on **ALL** pecuniary or other personal interests in the tender(s) submitted on the date(s) below, have no other pecuniary or personal interest in the tender(s) submitted.

_____ (Please provide the signature date of the corresponding declaration(s))

OR

- ☐ I / We* have **NO** pecuniary or other personal interests in the tender(s) submitted.

IV. Connection(s) with a person / body corporate who has submitted a tender[^]

- ☐ I / We*, apart from the declaration(s) on **ALL** connections with a person or body corporate who has submitted a tender on the date(s) below, have no other connection with a person or body corporate who has submitted a tender.

_____ (Please provide the signature date of the corresponding declaration(s))

OR

- ☐ I / We* have **NO** connections with a person / body corporate who has submitted a tender.

* Please delete as appropriate.

You must complete Part I and IV. Please insert a "✓" in the appropriate box.

[^] As defined in the sections 2(5) and (6) of the Building Management Ordinance (Cap. 344)

Name of the declarant or authorized
representative of company
(in BLOCK LETTER)

Signature

Company seal (if applicable):

Company name (if applicable):

Date:

Statement of Purposes in respect of Collection of Personal Data (attached to the specified form of declaration of interests / connections) (Sample)

(for reference only)

Purpose of Collection

1. This declaration form is for the participant of an MC / responsible person for the procurement / the manager to make declaration of interests or connections under the Building Management Ordinance (Cap. 344) in respect of type 1 high-value procurement, type 2 high-value procurement or large-scale maintenance procurement of the building.

Classes of Transferees

2. The MC of the owners' corporation / the manager shall allow the following specified persons to inspect the personal data you provided in this declaration form at all reasonable time:
 - (a) an owner;
 - (b) a registered mortgagee;
 - (c) a person authorized in writing by an owner or a registered mortgagee;
 - (d) the Authority (for buildings with OCs);
 - (e) an authorized officer (for buildings with OCs); or
 - (f) a tenant's representative (for buildings with OCs).

Access to Personal Data

3. Pursuant to sections 18, 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance, (Cap. 486), you have the rights of access and correction to the personal data as provided, including obtaining a copy of your personal data provided in this authorization notice.

Enquiries

4. Any enquiries concerning the personal data collected by this declaration form, including requests for access to and correction of data, can be addressed to the following person:

Name and post of responsible officer	Telephone No.	Office Address

Notice of declarations (Sample)

Notice of declarations for _____
 (Name of procurement)
 of _____
 (Name of the owners' corporation or building)

In relation to the captioned procurement, the management committee (MC) / manager of the building* has received the following tenders:

1. (Name of the tenderer)
- 2.

The following persons have made declarations of their personal interests and connections for the procurement:

<u>Assume particular office of the MC (if there is an MC)</u>	<u>Role</u>	<u>Declarations</u>
Yes	Chairperson of the management committee	Pecuniary interest in a tender submitted
No	Manager	Personal dealings with a member of the management committee; connections with a person who has submitted a tender
No	A person who is obliged to act in accordance with the directions of the manager	Pecuniary dealings with a member of the owners' committee

(Add new rows if necessary)

[*If there is an MC:

In accordance with Para. 6(2) & 15(2) of Schedule 6B under the Building Management Ordinance, the following persons -

- (A) The Authority;
- (B) An authorized officer;
- (C) An owner

Appendix 17-2

- (D) The tenant's representative;
 - (E) A registered mortgagee; or
 - (F) Any person duly authorized in writing in that behalf by an owner or registered mortgagee,
- are permitted to inspect, at any reasonably time, any copies of the aforementioned declarations.]

[*If there is no MC:

In accordance with Para. 28(2) of Schedule 7 under the Building Management Ordinance, the following persons –

- (A) An owner;
- (B) A registered mortgagee;
- (C) Any person duly authorized in writing by an owner or registered mortgagee to conduct an inspection

are permitted to inspect, at any reasonably time, any copies of the aforementioned declarations.]

*Delete where appropriate.

Remarks: The management committee or manager must display the notice of the declaration in a prominent place in the building within 7 days after the date on which the declaration is made for 7 consecutive days.

Date: _____

Notice of declarations of no interest or connection for large-scale maintenance procurement (Sample)

Notice of declarations for _____
 (Name of procurement)
 of _____
 (Name of the owners' corporation or building)

In relation to the captioned procurement, the management committee (MC) / manager of the building* has received the following tenders:

1. (Name of the tenderer)
- 2.

The following persons have made declarations of no interests, dealings or connections for the procurement in accordance with Part II of Schedule 6B (if there is an OC) / Para 31 and 32 of Schedule 7 (if there is no OC)*:

<u>Name</u>	<u>Assume particular office of the MC (if there is an OC)</u>	<u>Role</u>
Example 1	Yes	Chairperson of the Management Committee
Example 2	Yes	Secretary of the Management Committee
Example 3	Yes	Treasurer of the Management Committee
Example 4	Yes	Member of the Management Committee
Example 5	No	Manager
Example 6	No	A person who is obliged to act in accordance with the directions of the manager

(Add new rows if necessary)

The following persons have declared earlier in respect of the captioned procurement. Apart from the matters declared, they do not have any other interests, dealings or connections:

Appendix 18-2

<u>Name</u>	<u>Assume particular office of the MC (if there is an OC)</u>	<u>Role</u>	<u>Declarations</u>
Example 1	Yes	Member of the MC	Pecuniary interest in a tender submitted

(Add new rows if necessary.)

[*If there is an OC:

In accordance with Para. 21(2) & 27(2) of Schedule 6B under the Building Management Ordinance, the following persons -

- (A) The Authority;
- (B) An authorized officer;
- (C) An owner
- (D) The tenant's representative;
- (E) A registered mortgagee; or
- (F) Any person duly authorized in writing in that behalf by an owner or registered mortgagee,

are permitted to inspect, at any reasonable time, any copies of the aforementioned declarations.]

[*If there is no OC:

In accordance with Para. 36(2) of Schedule 7 under the Building Management Ordinance, the following persons –

- (A) An owner;
- (B) A registered mortgagee;
- (C) Any person duly authorized in writing by an owner of registered mortgagee to conduct an inspection

are permitted to inspect, at any reasonable time, any copies of the aforementioned declarations.]

*Delete where appropriate.

Remarks: The MC or manager must ensure that this notice of declarations is attached to the minutes of the proceedings at the first tender acceptance meeting.

Date: _____

Notice of meeting for the large-scale maintenance procurement resolution (Sample)

Appendix 19

[Heading]

重要提示 Important Reminder¹

[Name of the building] (Address)

Notice of meeting for _____
(description of the procurement)

In accordance with the Building Management Ordinance, the notice of meeting for the procurement _____ is now issued as follows and owners are invited to attend accordingly:

Date:

Time:

Venue:

[Further description for the procurement]

*[if the resolution is to decide whether a tender submitted for any large-scale maintenance procurement is to be accepted or not:

List of valid tenders

(Please add new columns or rows if appropriate)

Valid tender as of [Date of this notice]	Estimated amount to be contributed from the building management fund	Estimated apportioned amount that each of the owners is to contribute in addition to a contribution from the building management fund
1. Tender A	\$XX	\$XX
2. Tender B	\$XX	\$XX

*[if the resolution is to decide on whether a tender for the procurement of large-scale maintenance shall be varied or terminated:

Financial liability incurred due to the relevant variation or termination of the contract

Estimated amount to be contributed from the building management fund	Estimated apportioned amount that each of the owners is to contribute in addition to a contribution from the building management fund
\$XX	\$XX

*Delete where appropriate.

Please note that in accordance with the Building Management Ordinance, resolution related to the large-scale maintenance procurement resolutions are subject to a voting-in-person threshold, i.e. 5% of the owners or 100 owners (whichever is less) must vote personally to pass the resolution. A corporate flat owner can authorize a natural person to attend and vote personally at the meeting. The relevant authorization notice can be obtained at _____. The signed authorization notice must be delivered to the secretary of the management committee / the responsible person for the meeting at least 48 hours before the time of the meeting (Address: _____).

¹ If the notice of meeting covers a number of agenda items, please put the heading "Important Reminder" before the description of the proposed resolution on large-scale maintenance procurement.

HAD's Homepage on Building Management — www.buildingmgt.gov.hk

Publications related to building management are available at Home Affairs Enquiry Centres of the District Offices as below —

	Hong Kong Island
Central & Western	G/F., Harbour Building, 38 Pier Road, Central
Eastern	G/F., Eastern Law Courts Building, 29 Tai On Street, Sai Wan Ho
Wan Chai	G/F., 2 O'Brien Road, Wan Chai
Southern	G/F., Ocean Court, 3 Aberdeen Praya Road, Aberdeen
	Kowloon
Kowloon City	LG/F., Kowloon City Government Offices, 42 Bailey Street, Hung Hom
Sham Shui Po	G/F., Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Sham Shui Po
Yau Tsim Mong	G/F., Mong Kok Government Offices, 30 Luen Wan Street, Mong Kok
Kwun Tong	G/F., Eastcore, 398 Kwun Tong Road, Kwun Tong
Wong Tai Sin	Unit 201, 2/F., Lung Cheung Office Block, 138 Lung Cheung Road, Wong Tai Sin

	New Territories
Kwai Tsing	2/F., Kwai Hing Government Offices Building, 166 - 174 Hing Fong Road, Kwai Chung
Yuen Long	G/F., Yuen Long District Office Building, 269 Castle Peak Road, Yuen Long
Tuen Mun	2/F., Tuen Mun Government Offices, 1 Tuen Hi Road, Tuen Mun
Sai Kung	G/F., Sai Kung Tseung Kwan O Government Complex, 38 Pui Shing Road, Hang Hau, Tseung Kwan O
Tsuen Wan	1/F., Tsuen Wan Multi-storey Carpark Building, 174-208 Castle Peak Road, Tsuen Wan
North	G/F., North District Government Offices, 3 Pik Fung Road, Fanling
Tai Po	G/F., Tai Po Government Offices Building, 1 Ting Kok Road, Tai Po
Sha Tin	G/F., Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin
Islands	G/F., 22 San Hing Street, Cheung Chau (Cheung Chau Sub-office)
	G/F., Mui Wo Government Offices, 2 Ngan Kwong Wan Road, Mui Wo, Lantau Island (Mui Wo Sub-office)
	1/F., Tung Chung Post Office Building, 6 Mei Tung Street, Tung Chung, Lantau Island (Tung Chung Sub-office)

Enquiries on building management matters can be directed to the District Building Management Liaison Teams of the respective District Offices —

Hong Kong Island			
Central & Western	2119 5010	Wan Chai	2835 1999
Eastern	3427 3469	Southern	2814 5763
Kowloon			
Kowloon City	2621 3406	Kwun Tong	2171 7465
Sham Shui Po	2150 8175	Wong Tai Sin	2324 1871
Yau Tsim Mong	2399 2155		
New Territories			
Kwai Tsing	2494 4543	Tsuen Wan	3515 5654
Yuen Long	2470 1125	North	2675 1719
Tuen Mun	2451 3466	Tai Po	2654 1262
Sai Kung	3907 0135	Sha Tin	2158 5388
Islands	2109 4635		



優質大廈管理齊共創

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