

**Building Management Ordinance (Cap. 344)**

# **Best Practices on Building Management**



Home Affairs Department

## **Best Practices on Building Management** (2025 Edition)

### **Important Notes and Disclaimer**

This booklet contains **best practices** related to building management recommended to be followed by owners, owners' corporations (OCs), owners' committees (OComms), managers (including the Deed of Mutual Covenant (DMC) managers or the property management companies (PMCs)) and proxies appointed by owners under the Building Management Ordinance (Cap. 344) (BMO) (hereafter referred to as "relevant parties").

2. Failure to comply with the best practices in this booklet **would not be considered as a non-compliance** with the BMO or the Codes of Practice (CoP) issued under section 44(1) of the BMO. Relevant parties **are required to** comply with the BMO and the CoP and are encouraged to use their best endeavour to follow these best practices.

3. Users of this booklet are advised to seek legal advice and assistance from lawyers should there be doubts on the application of the BMO and the CoP in individual circumstances. The Government shall not be responsible for any errors, omissions, misstatements or misrepresentations (whether expressed or implied) in any part of this booklet and shall not be held liable or accept any liability, obligation and responsibility whatsoever (including, but not limited to, consequential loss or damage) arising from or in respect of any use, inability to use or misuse or reliance on this booklet.

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

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<b><u>BEST PRACTICES</u></b>		<b><u>Key Action Party(ies)</u></b>
<b>1.0</b>	<b>FORMATION OF AN OC</b>	
1.1	The number of members of a management committee (MC) of an OC for a building with more than 500 flats should not be fewer than 11.	Owners
1.2	In the course of the appointment of the MC participants, a candidate running to be a participant of the MC should declare his / her connections (if any) with other candidates and the incumbent MC participants, and his / her relationship with other OCs (e.g. holding the position of an MC participant in the OC of other courts) (if any), either in nomination form or at the owners' meeting, annual general meeting or general meeting before voting (a sample form for "Declaration of interests / connections of candidates standing for election as a participant of an MC" is at <u><i>Annex A</i></u> ). <sup>1</sup> The declaration should be recorded in the minutes of the meeting.	Candidates Running For the MC Participants
<b>2.0</b>	<b>PROCUREMENT PROCESS</b>	
<b>2.1</b>	<b>Preparation of Invitation to Tender</b>	
2.1.1	If the procurement is not a type 1 high-value procurement, type 2 high-value procurement or large-scale maintenance procurement (hereafter referred to as "major procurement"), but the procurement value exceeds \$10,000 but does not exceed \$200,000, it is also recommended that tenders should be issued to not less than three potential suppliers.	OCs / OComms / Managers
2.1.2	To enhance transparency and fairness, the "Smart Tender" Building Rehabilitation Facilitating Services <sup>2</sup> (the Scheme) administered by the Urban Renewal Authority (URA) should be adopted for large-scale maintenance procurement, or corruption prevention measures of the same nature of "Smart Tender" should be incorporated into the process (e.g. selection of works consultants or contractors from the service providers <sup>3</sup> registered under URA's Building Rehabilitation Company Registration Scheme, use of an electronic tendering platform, and	

<sup>1</sup> For the definition of "connection", please refer to section 2(5) of the BMO.

<sup>2</sup> "Smart Tender" Building Rehabilitation Facilitating Services is available at the following link:  
<https://www.brplatform.org.hk/en/subsidy-and-assistance/smart-tender>

<sup>3</sup> Building Rehabilitation Company Database Search Engine is available at the following link:  
<https://brcrs.brplatform.org.hk/en/search-terms>



<b><u>BEST PRACTICES</u></b>	<b><u>Key Action Party(ies)</u></b>
<p>appointment of independent persons to witness the opening of tenders, etc.)</p> <p>2.1.3 Integrity and anti-bid rigging clauses should be included in the tendering documents. Relevant parties may refer to the sample of integrity and anti-bid rigging clauses in the “Building Management Toolkit”<sup>4</sup> issued by Independent Commission Against Corruption (ICAC).</p>	
<b>2.2 Consideration and Decision on Acceptance of Tenders</b>	
<p>2.2.1 For resolutions to be put to vote concerning “major procurement” and with options “for” and “against” only, owners may, having regard to the circumstances of each resolution to be put to vote (e.g. whether the option under each resolution would be dependent on the result of some other resolutions), indicate their voting instructions to the proxies (if appointed). A template for owners to prescribe their voting instructions in such circumstances is in Part B at <b><u>Annex B</u></b>. Please see paragraphs 3.2.8 and 3.2.9 below for further information.</p>	Owners / Proxies
<p>2.2.2 To ensure the integrity of suppliers, ethical commitment clauses should be included in the contracts, with reference to the sample provided by the ICAC<sup>5</sup>.</p>	OCs / OComms / Managers
<b>3.0 GENERAL MEETING AND USE OF PROXY INSTRUMENTS</b>	
<b>3.1 Convening of a General Meeting and Notice of Meeting</b>	
<p>3.1.1 Apart from giving notice of meeting as required under the BMO, the notice of meeting should also be displayed in a prominent place in the building as soon as practicable, say, at least 21 days before the meeting of the OC.</p>	MC Secretary
<p>3.1.2 The notice of meeting should state clearly –</p> <p>(a) the specified statutory time within which proxy instruments should be lodged;</p> <p>(b) the method and location for lodging the proxy instruments</p>	MC Secretary

<sup>4</sup> “Building Management Toolkit” issued by the ICAC can be found at the following link:  
[https://bm.icac.hk/Building\\_Maintenance\\_Toolkit.html?lang=en](https://bm.icac.hk/Building_Maintenance_Toolkit.html?lang=en)

<sup>5</sup> The sample is set out in Appendix 10 of “Corruption Prevention Guide for PMCs” issued by the ICAC and is available at  
[https://cpas.icac.hk/EN/Info/Lib\\_List?cate\\_id=3&id=2816](https://cpas.icac.hk/EN/Info/Lib_List?cate_id=3&id=2816)

<b><u>BEST PRACTICES</u></b>	<b><u>Key Action Party(ies)</u></b>
<p>(e.g. the exact location of proxy instrument collection boxes); and</p> <p>(c) the timing and location for the opening of proxy instrument boxes if such boxes are used, so that the owners may witness the opening and counting process.</p>	
<p>3.1.3 In making a request by not less than 5% of the owners for convening a general meeting pursuant to paragraph 1(2) of Schedule 3 to the BMO, the owners concerned should –</p> <p>(a) provide a list clearly setting out the names of the owners who made such request, the flats they own and their signatures;</p> <p>(b) check that the minimum requirement of “5% of the owners” is met before making the request to the MC Chairman; and</p> <p>(c) appoint a person as their representative / contact point in order to facilitate better communication with the MC Chairman.</p>	Owners
<p>3.1.4 For a general meeting of the OC requested by not less than 5% of the owners, the MC Chairman should –</p> <p>(a) liaise with the owners with a view to working out suitable measures to resolve the issue if a requested item has been repeatedly discussed at previous owners’ meetings of the OC but not less than 5% of the owners still request to convene a general meeting to discuss such item;</p> <p>(b) verify whether the request for meeting is made by not less than 5% of the owners; and</p> <p>(c) inform other MC Members as soon as practicable upon receipt of the request for meeting to facilitate better coordination and communication within the MC.</p>	MC Chairman

<b><u>BEST PRACTICES</u></b>	<b><u>Key Action Party(ies)</u></b>
3.1.5 For a general meeting of the OC requested by not less than 5% of the owners, discussion item(s) requested by the owners should be handled first at the meeting unless the resolution(s) of the requested discussion item(s) hinge on the result of another resolution / item of business which has not been included in the owners' request. The MC Chairman should seek clarifications with the owners concerned on their requests where necessary.	MC Chairman
<b>3.2 Proxy Instruments<sup>6</sup></b>	
<b><u>Form of Proxy Instruments</u></b>	
<p>3.2.1 The MC Secretary should –</p> <ul style="list-style-type: none"> <li>(a) print the date of the meeting of the OC and a unique serial number on each of the proxy instruments to ensure that the owners are aware of the meeting at which the appointed proxies will exercise their voting rights on their behalf and to facilitate checking;</li> <li>(b) attach to each of the proxy instruments the “Points to Note for Owners when Appointing Proxies and Statement of the Purpose in respect of Collection of Personal Data in the Proxy Instrument” (a sample is at <b><u>Annex C</u></b>) to remind owners the importance of their rights to vote and to allow owners and proxies to understand the purpose of collection of their personal data, classes of transferees, and the rights and means to request access to and correction of their personal data;</li> <li>(c) attach to the notice of meeting (i) a blank proxy instrument; and (ii) “Form of Statement of Appointment of Proxy and Voting Instructions for Owners” (a sample is at <b><u>Annex B</u></b>) for proxies to make declarations and for owners to prescribe the voting instructions (solely applicable to resolutions to be put to vote concerning “major procurement” and with options “for” and “against” only) (see paragraph 3.2.7 and 3.2.8 below); or provide the instruments and forms in (i) and (ii) at the management office;</li> </ul>	MC Secretary

<sup>6</sup> See Form 2 in Schedule 1A to the BMO for the proxy instrument. The best practices under Part 2.2 should also be applicable to meeting of the owners for the appointment of management committee and Form 1 in Schedule 1A to the BMO, with necessary and suitable adaptations to be made.

<b><u>BEST PRACTICES</u></b>	<b><u>Key Action Party(ies)</u></b>
<p>(d) distribute the proxy instruments with the “name of proxy” left blank for completion by the owners; and</p> <p>(e) prepare a register for owners who do not intend to appoint proxies to register and make it available for inspection by owners.</p>	
<u>Filling in of Proxy Instruments</u>	
3.2.2 Owners should give careful consideration to the appointment of proxies and only appoint persons whom they trust to be their proxies with a view to ensuring that the proxies would act in their best interests.	Owners
3.2.3 Owners should only appoint persons aged 18 or above as proxies.	Owners
3.2.4 Owners should fill in all the required information, particularly the “name of proxy” in the proxy instruments when appointing proxies.	Owners
3.2.5 Owners should not pass their signed proxy instruments to any person without filling in the “name of proxy”.	Owners
3.2.6 If an owner receives a proxy instrument with the “name of proxy” printed on it but the owner intends to appoint another person to be his / her proxy, he / she can cross out the printed name and put down the name of his / her own proxy, with his / her signature beside the amendment. Owners should also report the situation to the MC or the manager (if applicable) for follow-up actions and refer suspicious cases to the law enforcement departments.	Owners
3.2.7 When appointing a proxy, besides filling in the proxy instrument, the owner should show his / her proxy instrument to the proxy and pass the form of “Declaration(s) by Proxy and Owner’s Voting Instructions” to the proxy concerned to make a declaration at Part A of the form that the proxy instrument is honestly acquired from the owner. The owner and the proxy	Owners, Proxies

<b><u>BEST PRACTICES</u></b>	<b><u>Key Action Party(ies)</u></b>
should also read carefully and sign the “Statement of Purposes in Respect of Collection of Personal Data”.	
3.2.8 For resolutions to be put to vote concerning “major procurement” and with options “for” and “against” only, subject to paragraph 2.2.1 above, if an owner would like to set out his / her voting instructions, he / she should complete Part B of the form of “Declaration(s) by Proxy and Owner’s Voting Instructions”. The proxy should make declaration at Part C of the form that he / she will follow the voting instructions (if any) of the owner. The owner and the proxy should also read carefully and sign the “Statement of Purposes in Respect of Collection of Personal Data” in the form.	Owners, Proxies
3.2.9 The completed and signed form of “Declaration(s) by Proxy and Owner’s Voting Instructions” (“the completed form”) should be lodged in original with the MC Secretary together with the proxy instrument. For the avoidance of doubt, the proxy instrument should be in the form set out in Form 2 in Schedule 1A to the BMO, and the completed form does not form any part of the proxy.	Owners
<p>3.2.10 Upon receipt of the proxy instrument and the completed and signed form (if any), the MC Secretary (or the manager assisting him / her) should –</p> <p>(a) affix the chop of the OC (or that of the manager) on the proxy instrument and the completed and signed form that has been completed and signed. If the instrument and the form is submitted by an owner in person, the MC Secretary (or the manager) should affix the chop in the presence of the owner;</p> <p>(b) make a copy of the proxy instruments and the completed and signed form showing the chop(s) affixed; and</p> <p>(c) keep the proxy instrument, the completed and signed form and the copies mentioned in (b) above in a safe place.</p>	MC Secretary, Manager

<b><u>BEST PRACTICES</u></b>	<b><u>Key Action Party(ies)</u></b>
3.2.11 In order to ensure that the voting instructions prescribed by the owner are carried out, owners should give careful consideration to the necessity of appointing an alternative proxy, having regard to the circumstances and needs of each case.	Owners
3.2.12 Owners should, as far as possible, sign the proxy instruments using the signature as appeared on their deeds of assignment.	Owners
3.2.13 Owners who are body corporates should follow their constitution in authorising persons to sign on their proxy instruments.	Owners
3.2.14 Owners should set out their contact details (e.g. telephone numbers, e-mail addresses, etc.) on their proxy instruments so that the MC chairman can contact the owners to check when the validity of the proxy instruments is in doubt.	Owners
<p>3.2.15 The maximum number of proxy instruments a proxy (including one appointed by an owner who is a body corporate) should hold for the purpose of a particular meeting is –</p> <p>(a) for a building with not more than 20 flats<sup>7</sup> – one;</p> <p>(b) for a building with more than 20 flats – not more than 5% of the owners (rounded to the nearest integer) or 50 (whichever is the lesser), and the minimum number should be one.</p>	Proxies
<b><u>Timing of Lodging and Collection of Proxy Instruments</u></b>	
3.2.16 The timing and location for collecting the proxy instruments and the opening and counting of the proxy instrument collection boxes (if any) should be convenient to all owners.	MC Secretary
3.2.17 If the manager (if any) assists the MC Secretary in collecting the proxy instruments, the MC Secretary should give clear instructions to the manager on the submission deadline and the collection method.	MC Secretary

<sup>7</sup> Not including any garage, carpark or carport

<b><u>BEST PRACTICES</u></b>	<b><u>Key Action Party(ies)</u></b>
3.2.18 Owners are advised to lodge their proxy instruments with the MC Secretary as early as practicable, say, at least 144 hours (i.e. at least 6 days) before the meeting, to leave sufficient time for verification by the MC Chairman.	Owners
3.2.19 Owner should personally lodge the proxy instrument together with the completed form with the MC Secretary direct or deposit them in the ways as instructed by the MC Secretary, and should avoid giving them to third parties. The owner should make and retain a copy of the instrument and the completed form before lodging them with the MC Secretary or depositing them.	Owners
3.2.20 The proxy instrument lodged by each owner should be the original copy.	Owners
3.2.21 The proxy instrument collection boxes (if any) should be double-locked and placed in a prominent place of the building.	MC Secretary
<p>3.2.22 The acknowledgement of receipt of the proxy instrument should be accompanied by a copy each of –</p> <p>(a) the proxy instrument; and</p> <p>(b) the completed form</p> <p>showing the chop(s) affixed, and should be issued to the owner concerned by leaving it at the flat of the owner who made the proxy instrument, depositing it in the letter box for the flat, or producing it to the owner personally before the time for the holding of the meeting. For the avoidance of doubt, the issue of the acknowledgement receipt does not mean that the proxy instrument has been verified.</p>	MC Secretary
3.2.23 Owners are advised to check whether they have received the acknowledgment receipts of the proxy instruments before the time scheduled for the holding of the meeting to ensure that the MC Secretary has received the proxy instruments. If in doubt, owners should check with the MC Secretary.	Owners, MC Secretary



<b><u>BEST PRACTICES</u></b>	<b><u>Key Action Party(ies)</u></b>
<u>Determination of the Validity of Proxy Instruments</u>	
3.2.24 The MC Chairman should handle the proxy instruments in a fair and transparent manner and in accordance with the provisions of the BMO.	MC Chairman
<p>3.2.25 In determining the validity of a proxy instrument –</p> <ul style="list-style-type: none"> <li>(a) if the proxy instrument is in the form set out in Form 2 of Schedule 1A to the BMO, the MC Chairman should not reject the proxy instrument for the sole reason that it is not the printed proxy instrument provided by the OC;</li> <li>(b) the mere act of providing additional information such as Hong Kong Identity Card number or time of signing the proxy will not render the proxy instrument invalid; and</li> <li>(c) the MC Chairman should not reject the proxy instrument for the sole reason that the owner has crossed out the printed “name of proxy” and has put down the name of his / her own proxy with his / her signature.</li> </ul>	MC Chairman
3.2.26 If the MC Chairman has determined that a proxy instrument is invalid before the meeting, he should contact the owner concerned to explain the invalidity of the proxy instrument as early as practicable so that the owner may consider whether a fresh proxy instrument should be made before the deadline <sup>8</sup> or to attend the meeting in person.	MC Chairman
3.2.27 If there are two or more proxy instruments from the same owner with different dates for the purpose of a particular meeting of the OC, the proxy instrument with the most recent date is normally intended to supersede those with earlier dates. If no date is marked on the proxy instruments or the same date is marked but with different proxies appointed, the MC Chairman should contact the owner concerned to confirm with him / her which proxy instrument is intended to be used by the owner. If the MC Chairman has taken reasonable steps to ascertain their validity but failed, all such proxy instruments should be considered	MC Chairman

<sup>8</sup> At least 144 hours (i.e. at least 6 days) as a best practice (see paragraph 2.2.16), and at least 48 hours before the time for the holding of the meeting (see paragraph 4(3) of Schedule 3 to the BMO).



<b><u>BEST PRACTICES</u></b>	<b><u>Key Action Party(ies)</u></b>
invalid.	
3.2.28 The MC Secretary should assist the MC Chairman in contacting the owners concerned for verification of proxy instruments as soon as practicable, in any event no later than the time for the holding of the meeting, if there is any query or uncertainty arising from the proxy instruments. Owners should also co-operate with the MC Chairman as far as practicable to ensure that their proxies are properly appointed.	MC Secretary, Owners
3.2.29 After verification by the MC Chairman, the MC Secretary / manager (where applicable) should affix the chop of the MC or manager on the proxy instruments to illustrate that such instruments have been verified.	MC Secretary, Manager
<b><u>Display of Information Concerning Proxy Instruments</u></b>	
3.2.30 The MC Secretary should give sufficient time for owners to check against the list showing flats with proxy instruments lodged ("list of proxy information"). The list of proxy instruments should be displayed in a prominent place of the building at least 72 hours before the time for the holding of the meeting, be updated after the close of the lodging time provided that the proxy instruments concerned are lodged at least 48 hours before the time for the holding of the meeting, and remain to be displayed until seven days after the meeting.	MC Secretary
3.2.31 The list of proxy instrument should be displayed in a prominent place of the building in a clear and easily readable format with appropriate font size. Where feasible, the MC Secretary should provide additional means of dissemination of the list of proxy instruments (e.g. posting on the website of the OC) to facilitate checking by the owners.	MC Secretary
3.2.32 The list of proxy instruments should also include –  (a) the total number of proxy instruments received;  (b) a mark against the flat of the owner concerned who has submitted proxy instrument(s) but such instrument(s) has / have been determined as invalid by the MC Chairman; and	MC Secretary

<b><u>BEST PRACTICES</u></b>	<b><u>Key Action Party(ies)</u></b>
(c) the total number of invalidated proxy instruments.	
3.2.33 The reason(s) for invalidation should be marked on each invalid proxy instrument and should be announced before the OC meeting, say, by displaying in the list of proxy instruments. For a proxy instrument which has been determined by the MC Chairman as invalid, the owner concerned, the proxy concerned, the MC Chairman, the MC Secretary (and the manager providing assistance), the Authority (i.e. the Secretary for Home and Youth Affairs) and an authorised officer under the BMO should be allowed to inspect the proxy instrument.	MC Secretary
3.2.34 The MC Secretary should remind the owners to check the list of proxy instruments with a view to finding out if there are any unauthorised appointments of proxies.	MC Secretary
3.2.35 The MC Chairman should confirm the undivided shares under each of the verified proxy instruments for the purpose of vote counting, unless otherwise specified in the DMC.	MC Chairman
<b>3.3 Conduct of a General Meeting</b>	
3.3.1 The MC Chairman should –  (a) conduct the general meeting in an orderly manner;  (b) explain clearly to the owners the background and facts of the issues to be discussed;  (c) allow owners to have equal opportunity to speak at the general meeting; and  (d) encourage owners to express their views so as to ensure that the items are thoroughly discussed before the items are put to vote.	MC Chairman
3.3.2 The MC Secretary should –  (a) confirm that the quorum of the meeting is formed before the	MC Secretary, Proxies

<b><u>BEST PRACTICES</u></b>	<b><u>Key Action Party(ies)</u></b>
<p>commencement of the general meeting;</p> <p>(b) keep track of the number of owners coming in or leaving the venue of the general meeting to ensure that the quorum is formed before putting a resolution to vote;</p> <p>(c) advise the MC Chairman to adjourn the general meeting if the quorum is not formed;</p> <p>(d) tear off the voting instructions (if any) given by the owner in Part B of the form of “Declaration by Proxy and Owner’s Voting Instructions” and give it to the proxy of the relevant owner. The proxy should use that part of the form as a ballot paper to vote on the resolution concerned; and</p> <p>(e) in connection with (d) above, if the proxy asks for an extra ballot paper despite the owner has given voting instructions to the proxy in advance, enquire the proxy about the reasons behind and, contact and notify the owner at once as far as practicable. If the owner cannot be contacted immediately, another attempt should be made after the meeting.</p>	
<p>3.3.3 The MC Secretary should avoid giving an extra ballot paper to a proxy in the case where voting instructions were given by the owner in respect of a “major procurement”.</p>	<p>MC Secretary</p>
<p>3.3.4 Relevant parties should make reference to the “Corruption Prevention Guide for Property Management Companies”<sup>9</sup> issued by ICAC for common corruption risks, corruption prevention alerts and preventive measures in the conduct of owners’ meetings (including the handling of proxy instruments).</p>	<p>Owners, OC, MC, managers</p>
<p><b>3.4 Actions after the Conclusion of a General Meeting</b></p>	
<p>3.4.1 The MC should keep all the documents related to the appointment of proxies, i.e. –</p>	<p>MC</p>

<sup>9</sup> The “Corruption Prevention Guide for PMCs” issued by the ICAC is available at [https://cpas.icac.hk/EN/Info/Lib\\_List?cate\\_id=3&id=2816](https://cpas.icac.hk/EN/Info/Lib_List?cate_id=3&id=2816)

<u>BEST PRACTICES</u>		<u>Key</u> <u>Action Party(ies)</u>						
<p>(a) the lodged proxy instruments;</p> <p>(b) the copies of the completed forms (i.e. forms of “Declaration(s) by Proxy and Owner’s Voting Instructions”) affixed with chops;</p> <p>(c) voting instructions that have been used as ballot papers (see para. 3.3.2(d)) (if any); and</p> <p>(d) the list of proxy instruments displayed for at least three years.</p>								
<p>3.4.2 The following person should be allowed to inspect the documents related to the appointment of proxies -</p> <table><tr><th>Documents</th><th>Parties</th></tr><tr><td>Proxy instrument</td><td><p>The owner, the proxy concerned, the Authority or an authorised officer, the MC Chairman and Secretary (and the manager providing assistance)</p><p>Other owners (if consent from both the owner and the proxy concerned has been obtained)</p></td></tr><tr><td>Form of “Statement of Appointment of Proxy and Voting Instructions for Owners”</td><td><p>The owner, the proxy concerned, the Authority or an authorised officer, the MC Chairman and Secretary (and the manager providing assistance)</p><p>Other owners (if consent from both the owner and the proxy concerned has been obtained)</p></td></tr></table>		Documents	Parties	Proxy instrument	<p>The owner, the proxy concerned, the Authority or an authorised officer, the MC Chairman and Secretary (and the manager providing assistance)</p> <p>Other owners (if consent from both the owner and the proxy concerned has been obtained)</p>	Form of “Statement of Appointment of Proxy and Voting Instructions for Owners”	<p>The owner, the proxy concerned, the Authority or an authorised officer, the MC Chairman and Secretary (and the manager providing assistance)</p> <p>Other owners (if consent from both the owner and the proxy concerned has been obtained)</p>	MC, manager, owners, proxies
Documents	Parties							
Proxy instrument	<p>The owner, the proxy concerned, the Authority or an authorised officer, the MC Chairman and Secretary (and the manager providing assistance)</p> <p>Other owners (if consent from both the owner and the proxy concerned has been obtained)</p>							
Form of “Statement of Appointment of Proxy and Voting Instructions for Owners”	<p>The owner, the proxy concerned, the Authority or an authorised officer, the MC Chairman and Secretary (and the manager providing assistance)</p> <p>Other owners (if consent from both the owner and the proxy concerned has been obtained)</p>							

<b><u>BEST PRACTICES</u></b>		<b><u>Key Action Party(ies)</u></b>
	<div> List of proxy instruments displayed All owners of the building, the proxies concerned, the Authority or an authorised officer, the MC Chairman and Secretary (and the manager providing assistance). </div>	

**Sample**

**Declaration of Connections / Relationships  
by Candidates Running for the Management Committee Participants**

***Note***

To enhance the transparency regarding the appointment of participants of the Management Committee (MC) of the Owners' Corporation (OC) and to ensure that owners would be informed of any connections among candidates running for MC membership (candidates) and with incumbent MC members, and relationship with other MCs of OC (e.g. taking up an office as a participant of an MC in the OC of other court), candidates should declare their aforesaid connections or relationships by using this Form. In respect of the Building Management Ordinance (Cap. 344) ("BMO"), a person (Person A) has a connection 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<sup>1</sup>;
  - (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.

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<sup>1</sup> For the purposes of (b)—  
a relationship of the half blood is treated as a relationship of the whole blood;  
a stepchild or adopted child of a person is treated as that person's child; and  
a child born out of wedlock is treated as the legitimate child of that child's mother and reputed father.

### ***Declaration of Connections / Relationships***

**Owners' Meeting / Owners' Corporation\* of** \_\_\_\_\_

(Description of the building)

I / Our company\* would like to stand for the appointment as a member / chairperson / vice-chairperson / secretary / treasurer\* of the Management Committee (MC), at the Owners' Meeting / Owners' Corporation Meeting\* held on \_\_\_\_\_. I / Our company\* declare that:

☐ I / Our company\* have connections with other candidates, and declare as follows: –

Name of the candidate : \_\_\_\_\_

Brief of connection(s): \_\_\_\_\_

\_\_\_\_\_  
(Please attach and sign on supplementary sheets if necessary)

☐ I / Our company\* have connections with the incumbent participants of the MC, and declare as follows: –

Name of the incumbent participants of the MC : \_\_\_\_\_

Brief of connection(s): \_\_\_\_\_

\_\_\_\_\_  
(Please attach and sign on supplementary sheets if necessary)

☐ I / Our company\* have relationships with other MC of an OC, and declare as follows: –

Name of the OC : \_\_\_\_\_

Brief of relationship(s): \_\_\_\_\_

\_\_\_\_\_  
(Please attach and sign on supplementary sheets if necessary)

Signature of the candidate

(signed by the authorised person if the candidate is a body corporate): \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
[\*Delete as appropriate]



**Sample**  
**Declaration(s) by Proxy and Owner's Voting Instructions**  
*(for reference only)*

***Instructions:***

1. The following procedures should be followed when owners and proxies are using this form –
  - (a) when appointing a proxy, besides filling in the proxy instrument (i.e. Form 2 of Schedule 1A to the Building Management Ordinance (Cap. 344) (BMO)), the owner should pass this form to the proxy for completion of and signature at **Part A**. The owner concerned and the proxy should also sign the “Statement of Purposes in Respect of Collection of Personal Data” (statement) in this form. The owner should lodge this form (with **Part A** completed and the statement signed) to the management committee (MC) Secretary together with the proxy instrument<sup>1</sup>;
  - (b) in addition to (a), if the meeting for which the proxy is appointed has resolutions to be put to vote concerning “large-scale procurement” and with options “for” and “against” only, an owner may set out his / her voting instructions by completing **Part B** of this form, and the proxy concerned should complete **Part C** of this form and declare that the voting instrument of the owner would be followed.
2. The following procedures shall be followed when the MC processing the completed form -
  - (a) upon receipt of this form, the MC Secretary (or the manager assisting the MC Secretary) should affix the chop(s) of the MC / manager on each part (Part A to Part C and the statement) of the form that has been completed and signed, make a copy of this form with the chop(s) affixed, and keep this form in a safe place;
  - (b) the acknowledgement of receipt of the proxy instrument should be accompanied by a copy each of –
    - (i) the proxy instrument;
    - (ii) the completed Declaration(s) by Proxy and Owner's Voting Instructions formwith the chop(s) affixed, and issued to the owner concerned by leaving it at the flat of the owner who made the instrument, depositing it in the letter box for the flat or producing it to the owner personally before the time for the holding of the meeting; and
  - (c) when the meeting is held, **Part B** (i.e. the owner's voting instructions) (if applicable and

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<sup>1</sup> This form does not form any part of the proxy instrument.



completed) should be detached and passed to the proxy who should use it as a ballot paper and vote on the relevant resolution.

3. Points to note for owners when appointing proxies:

- (a) Owners should give careful consideration to the appointment of proxy and should only appoint a person whom they trust with a view to ensuring that the proxy would act in the owners' best interests;
- (b) Never sign an instrument of proxy in blank and hand over the instrument of proxy to another person for processing;
- (c) Lodge the instrument of proxy personally before the specified time limit in accordance with the method of collection of instruments of proxy as specified in the notice of meeting (e.g. by delivering it to the secretary of the MC or depositing it in the collection box at the specified location as stated in the notice of meeting, etc.);
- (d) Before lodging the original instrument of proxy, make and retain copies for future reference and verification;
- (e) Pay attention to the time and place (if applicable) when the MC opens the collection box of the instruments of proxy, so as to witness the process;
- (f) Check whether receipts have been received, and examine the list of flats (in respect of which instruments of proxy have been sent) posted at a prominent place in the building to ensure that the instruments of proxy have been received by the MC. Owners should check with the MC secretary if in doubt; and
- (g) Owners must comply with the Prevention of Bribery Ordinance (Cap. 201) at all times.

Part A: Proxy's Declaration on Acquiring the Proxy Instrument (to be completed by the proxy appointed)

I, \_\_\_\_\_ (name of proxy), holder of HKID Card No. \_\_\_\_\_, hereby declare that the proxy instrument (serial number: \_\_\_\_\_) (if any) is honestly acquired from \_\_\_\_\_ (name of owner) of \_\_\_\_\_ (name and unit of the building).

Signature of proxy: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_

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Part B: Owner's Voting Instructions (to be completed by the owner)

Important reminder:

*1. For practicability, this part should only be applicable to resolutions (a) concerning "major procurement"; and (b) with options "for" and "against" only.*

*2. Owners should give careful consideration to the appointment of proxies and only appoint persons whom they trust to be their proxies, with a view to ensuring that their voting instructions would be respected and be carried out.*

Name and unit of building: \_\_\_\_\_

Name of owner: \_\_\_\_\_

Date of Owners' Meeting / General Meeting\*: \_\_\_\_\_

\*Delete where appropriate

Please put a ✓ in the appropriate box(es) to indicate the voting instruction(s). The owner may specify the voting instructions or in the absence of any indication, the proxy may vote on each resolution as he / she thinks fit.

Item for resolution: Item 1	For	Against
_____	<input type="checkbox"/>	<input type="checkbox"/>
Serial no.: _____ Number of shares: _____	Signature of owner(s): _____	
Item for resolution: Item 2	For	Against
_____	<input type="checkbox"/>	<input type="checkbox"/>
Serial no.: _____ Number of shares: _____	Signature of owner(s): _____	

(To be sealed with its seal or stamp and signed by an authorised person by the body corporate for that purpose if the owner is a body corporate)

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**Part C: Proxy's Declaration on Following Owner's Voting Instructions** (to be completed by the proxy)

I, \_\_\_\_\_ (name of proxy), holder of HKID Card No. \_\_\_\_\_, hereby declare that I will follow the voting instructions (if any) of the said owner.

Signature of proxy: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_

**Sample**  
**Statement of Purposes in Respect of Collection of Personal Data**  
*(for reference only)*

**Purpose of Collection**

1. This form is to be used by you (the owner) and your proxy to set out your voting instructions (if applicable) to your proxy in respect of resolutions concerning “major procurement” and with options “for” and “against” only; and the declarations that the proxy instrument is honestly acquired from an owner and he / she will follow the voting instructions (if any) made by the owner for the general meeting of the owners’ corporation (OC) / the annual general meeting of the OC and any adjourned meeting (if applicable). Your proxy will form the quorum and vote on your behalf at the meeting.
2. The personal data provided by you and your proxy on this form will be kept by the Management Committee (MC) of the OC and handled in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486). The MC, including the Chairperson, secretary, and the manager who provides assistance, may use the personal data and disclose to the Authority and authorised officers of the Building Management Ordinance (Cap. 344) (“the Ordinance”), other bureaux / departments of the Government, relevant persons and organizations for the following purposes:
  - (a) To follow up the appointment of your proxy and giving of voting instructions (if any);
  - (b) To communicate with you and / or your proxy, when necessary, to determine the validity of your appointment; and / or
  - (c) To follow up complaints / disputes related to the appointment of proxy.

**Consent of your Proxy**

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

**Classes of Transferees**

4. The personal data provided by you and your proxy on this form could be disclosed to other owners of the building, the Authority and authorised officers of the Ordinance, other bureaux / departments of the Government, relevant persons and organizations for the purposes mentioned in paragraphs 1 and 2 above.

### **Access and correction to Personal Data**

5. You, your proxy and the persons authorised by you in writing, have the rights of access and correction to the personal data, including the right to obtain a copy of this form, as provided on this form in accordance with sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486).

### **Enquiries**

If there are any enquiries concerning the personal data collected by means of this form, including requests for access to and correction of data, please contact the MC secretary (Telephone Number: \_\_\_\_\_).

I (the owner) have read and agree with the above.

Signature of owner: \_\_\_\_\_

Name of owner: \_\_\_\_\_

(To be sealed with its seal or stamp and signed by an authorised person by the body corporate for that purpose if the owner is a body corporate)

I (the proxy) have read and agree with the above.

Signature of proxy: \_\_\_\_\_

Name of proxy: \_\_\_\_\_

**Sample**  
**Points to Note to Owners when Appointing Proxies<sup>1</sup>**

1. Please note the importance of your voting right and exercise such right in person as far as possible.
2. You should give careful consideration to the appointment of proxy and should only appoint a person whom you trust with a view to ensuring that the proxy would act in your best interests.
3. Never sign an instrument of proxy in blank and hand over the instrument of proxy to another person for processing.
4. Lodge the instrument of proxy personally before the specified time limit in accordance with the method of collection of instruments of proxy as specified in the notice of meeting (e.g. by delivering it to the secretary of the MC or depositing it in the collection box at the specified location as stated in the notice of meeting, etc.).
5. Before lodging the original instrument of proxy, make and retain copies for future reference and verification.
6. Pay attention to the time and place (if applicable) when the MC opens the collection box of the instruments of proxy, so as to witness the process.
7. Check whether receipts have been received and examine the list of flats, in respect of which instruments of proxy have been sent, posted at a prominent place in the building to ensure that the instruments of proxy have been received by the MC. Owners should check with the MC secretary if in doubt.
8. You must comply with the Prevention of Bribery Ordinance (Cap. 201) at all times.

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<sup>1</sup> The best practices under Annex C should also be applicable to meeting of the owners for appointing management committee and Form 1 in Schedule 1A to the BMO, with necessary and suitable adaptations to be made.



### **Sample**

#### **Statement of Purposes in respect of Collection of Personal Data**

*(to be attached to each proxy instrument, for reference only)*

##### **Purpose of Collection**

1. This instrument is to be used by you (the owner) to appoint a proxy in accordance with the Building Management Ordinance (Cap. 344) (“the Ordinance”) and he / she will attend the owners’ meeting of the owners’ corporation (OC) / the annual general meeting of the OC on your behalf and any adjourned meeting (if applicable). Your proxy will form the quorum and vote on your behalf at the meeting.
2. The personal data provided by you and your proxy on this instrument will be kept by the Management Committee (MC) of the OC and handled in accordance with the provisions of the Personal Data (Privacy) Ordinance (Cap. 486). The MC, including the Chairperson, Secretary, and the manager, may use the personal data and disclose to the Authority and authorised officers of the Ordinance, other bureaux / departments of the Government, relevant persons and organizations for the following purposes:
  - (a) To follow up the appointment of your proxy and giving of voting instructions (if any);
  - (b) To communicate with you and / or your proxy, when necessary, to determine the validity of your appointment; and / or
  - (c) To follow up complaints / disputes related to the appointment of proxy.

##### **Consent of your Proxy**

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

##### **Classes of Transferees**

4. The personal data provided by you and your proxy on this instrument could be disclosed to other owners of the building, the Authority and authorised officers of the Ordinance, other bureaux / departments of the Government, relevant persons and organizations for the purposes mentioned in paragraphs 1 and 2 above.

##### **Access and correction to Personal Data**

5. You, your proxy and the persons authorised by you in writing, have the rights of access and correction to the personal data (including the right to obtain a copy of this instrument) as provided on this instrument in accordance with sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486).

## **Enquiries**

If there are enquiries concerning the personal data collected by means of this instrument, including requests for access to and correction of data, please contact the MC secretary (Telephone Number: \_\_\_\_\_).

I (the owner) have read and agree with the above.

Signature of owner: \_\_\_\_\_

Name of owner: \_\_\_\_\_

(To be sealed with its seal or stamp and signed by an authorised person by the body corporate for that purpose if the owner is a body corporate)

I (the proxy) have read and agree with the above.

Signature of proxy: \_\_\_\_\_

Name of proxy: \_\_\_\_\_





# 優質大廈管理齊共創

## Quality Building for All

Home Affairs Department  
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