

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 instrument¹;
 - (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

¹ 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 _____

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)

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: _____