

Building Management Ordinance (Cap. 344)

Checklist on

Procedural Propriety on Building Management



Home Affairs Department

Checklist on Procedural Propriety on Building Management

(2025 Edition)

Important Notes and Disclaimer

This Checklist on Procedural Propriety (Checklist) contains the requirements and best practices related to the convening of a general meeting of an Owners' Corporation (OC), including (a) the relevant provisions under the Building Management Ordinance (Cap. 344) (BMO); (b) the Code of Practice on Procurement of Supplies, Goods and Services (CoP) issued by the Secretary for Home and Youth Affairs under the BMO; and (c) the Administrative Guidelines on Best Practices on Building Management (Best Practices), with a view to assisting compliance by Management Committees (MCs) of OCs and managers.

2. The Government encourages MCs of OCs and managers to use this Checklist. Relevant parties **are required to** comply with the BMO and the CoP. If the best practices contained in this Checklist cannot be complied with, the MC Chairman or manager should state the reasons on the Checklist to increase transparency and accountability. Failure to comply with the best practices contained in this Checklist **would not be regarded as non-compliance** with the requirements of BMO or the CoP.

3. Users of this Checklist are advised to seek independent 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 or misstatements or misrepresentations (whether expressed or implied) in any part of this Checklist and shall not be held liable or accept any liability, obligation and responsibility whatsoever (including, without limitation, consequential loss or damage) arising from or in respect of any use, inability to use or misuse or citing on this Checklist.

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

User Guide

5. To enhance transparency, the MC Chairman and manager should display the Checklist, with Part A to Part C completed before the meeting and the remaining parts completed after the meeting in a prominent place in the building. The Government also encourages MCs and managers to provide a copy of the completed Checklist to the District Building Management Liaison Teams (DBMLTs) of the District Offices to share their experience and views in adopting the best practices contained in the Checklist.

Keys

- ✦ Requirements under the BMO
- © Requirements under the CoP
- 👍 Best Practices



Name of the OC: _____


Date of the General Meeting of the OC: _____

(A) Convening of a General Meeting of an OC

No.	Item	<ul style="list-style-type: none">• Please mark “✓” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
Requirements under the BMO		
1.	<p>✧ <u>Paragraph 1(1) of Schedule 3¹</u></p> <p>The MC shall convene –</p> <ul style="list-style-type: none">(a) the first annual general meeting of an OC not later than 15 months after the date of the registration of the OC;(b) an annual general meeting not earlier than 12 months, and not later than 15 months, after the date of the first or previous annual general meeting;(c) a general meeting of the OC at any time for such purposes as the MC thinks fit.	
2.	<p>✧ <u>Paragraph 1(2) of Schedule 3</u></p> <p>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.</p>	

¹ Pursuant to paragraph 8 of Schedule 3 to the BMO, in the event of any inconsistency between Schedule 3 and the terms of a DMC or any other agreement, Schedule 3 shall prevail.

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Best Practices		
3.	<p> <u>Paragraph 3.1.3</u></p> <p>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> <ol style="list-style-type: none"> check that the minimum requirement of “5% of the owners” is met before making the request to the MC Chairman; provide a list clearly setting out the names of the owners who made such request, the flats they reside in and their signatures; and appoint a person as their representative / contact point in order to facilitate better communication with the MC Chairman. 	
4.	<p> <u>Paragraph 3.1.4</u></p> <p>For a general meeting of the OC requested by not less than 5% of the owners, the MC Chairman should –</p> <ol style="list-style-type: none"> inform other MC members as soon as practicable upon receipt of the request for meeting to facilitate better coordination and communication within the MC; verify whether the request for meeting is made by not less than 5% of the owners; and 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 	

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	owners’ meetings of the OC but not less than 5% of the owners still request to convene a general meeting to discuss such item.	
5.	<p> <u>Paragraph 3.1.5</u></p> <p>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.</p>	



(B) Notice of Meeting²

No.	Item	<ul style="list-style-type: none">• Please mark “✓” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “x” if the item cannot be complied with and state the reason(s) for that.
(I) <i>Timing of Giving Notice of Meeting</i>		
Requirements under the BMO		
6.	✧ <u>Paragraph 2(1) of Schedule 3</u> The MC Secretary shall, at least 14 days before the date of the meeting of the OC, give notice of the meeting to each owner and the tenants’ representative (if any).	
Best Practices		
7.	👍 <u>Paragraph 3.1.1</u> Apart from giving notice of meeting as required under the BMO, the notice of meeting should be displayed in a prominent place in the building as soon as practicable, say, at least 21 days before the meeting date of the OC.	
(II) <i>Content of Notice of Meeting</i>		
Requirements under the BMO		
8.	✧ <u>Paragraph 2(1AA) of Schedule 3</u> The notice of meeting shall specify – (a) the date, time and place of the meeting; and	

² As stipulated in paragraph 3(7) of Schedule 3 to the BMO, no resolution passed at any meeting of the OC shall have effect unless the same was set forth in the notice given in accordance with paragraph 2 of Schedule 3 to the BMO or is ancillary or incidental to a resolution or other matter so set forth.

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✕” if the item cannot be complied with and state the reason(s) for that.
	(b) the resolutions (if any) that are to be proposed at the meeting or other matters that are to be discussed at the meeting.	
9.	<p>✧ <u>Paragraph 3 of Schedule 6C</u> (If one of the agenda items involves a resolution in relation to large-scale maintenance procurement³) The notice of meeting must:</p> <p>(a) be titled “Important Reminder” in English and “重要提示” in Chinese; and</p> <p>(b) set out clearly the estimated amount to be contributed from building management fund for the procurement and the estimated apportioned amount that each of the owners is to contribute for the procurement.</p>	
Requirements under the CoP		
10.	<p>© <u>Paragraph 3.4(b) of the CoP on Procurement of Supplies, Goods and Services (the part relevant to notice of meeting)</u> (If one of the agenda items involves a resolution in relation to tendering exercises) If the tendering exercises involve mandatory works as stipulated in relevant statutory notice(s), order(s) or direction(s) issued by relevant government department(s) or authority(ies)</p>	

³ As defined in section 2E of the BMO, i.e. (1) the procurement is mainly for repairing, replacing, maintaining or improving the common parts of the building; (2) the average procurement value per flat in the works project exceeds, or is likely to exceed, \$30,000; and (3) the procurement is not for any cleaning, security or property management services.

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✖” if the item cannot be complied with and state the reason(s) for that.
	(collectively referred to as government repair orders), such information should be made available to the owners before the resolution concerned is put to vote (e.g. attaching a copy of the government repair orders to the notice of meeting at which the tender is to be approved), so as to facilitate the owners in understanding and making a well-informed decision on the scope of the procurement.	
Best Practices		
11.	 <u>Paragraph 3.1.2</u> The notice of meeting should state clearly – <ol style="list-style-type: none"> the specified statutory time within which proxy instruments should be lodged; the method and location for lodging the proxy instruments (e.g. the exact location of proxy instrument collection boxes); and 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. 	
(III) Ways to Give Notice of Meeting		
Requirements under the BMO		
12.	 <u>Paragraph 2(1A) of Schedule 3</u> The notice of meeting may be given –	


No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✖” if the item cannot be complied with and state the reason(s) for that.
	<p>(a) by delivering it personally to the owner or tenants’ representative (if any);</p> <p>(b) by sending it by post to the owner or tenants’ representative (if any) at his / her last known address; or</p> <p>(c) by leaving it at the flat of the owner or tenants’ representative (if any) or depositing it in the letter box for that flat.</p>	
13.	<p>✧ <u>Paragraph 2(2) of Schedule 3</u></p> <p>The MC Secretary shall also, at least 14 days before the date of the meeting of the OC, display the notice of meeting in a prominent place in the building.⁴</p>	




⁴ Please also refer to paragraph 3.1.1 of the Best Practices (see item 7 above).

(C) **Proxy Instruments**⁵






No.	Item	<ul style="list-style-type: none">• Please mark “✓” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
(I) Form of Proxy Instruments		
Requirements under the BMO		
14.	<p>✧ <u>Paragraphs 4(1) and 4(2) of Schedule 3</u></p> <p>At a meeting of the OC, an owner may cast a vote personally or by proxy. The proxy instrument shall be in the form set out in Form 2 in Schedule 1A to the BMO, and –</p> <p>(a) shall be signed by the owner; or</p> <p>(b) if the owner is a body corporate, shall, notwithstanding anything to the contrary in its constitution, be impressed with the seal or chop of the body corporate and signed by a person authorized by the body corporate in that behalf.</p>	
Best Practices		
15.	<p>👍 <u>Paragraph 3.2.1</u></p> <p>The MC Secretary should –</p> <p>(a) print the date of the meeting of the OC and a unique serial number on each of the proxy instruments to help ensure that the owners know at which meeting the appointed proxies will exercise the voting right on their behalf and to facilitate checking;</p>	




⁵ See Form 2 in Schedule 1A to the BMO for the proxy instrument. Part 3.2 of the Best Practices should also be applicable to meeting of the owners for the appointment of MC and Form 1 in Schedule 1A to the BMO, with necessary and suitable adaptations to be made.

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
	<p>(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” (see template at <u><i>Annex C</i></u> of the Best Practices) 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;</p> <p>(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” (see template at <u><i>Annex B</i></u> of the Best Practices) 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 of the Best Practices); or provide the instruments and forms in (i) and (ii) at the management office;</p> <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>	
(II) Filling in of Proxy Instruments		
Best Practices		
16.	 The MC / manager should encourage owners to refer to paragraphs 3.2.2 to 3.2.14 of the Best Practices to thoroughly consider before appointing proxies and prescribing voting	

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	instructions, before filling in and signing the proxy instruments.	
17.	<p> <u>Paragraph 3.2.15</u></p> <p>It is suggested that 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 flats⁶ – 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), but the minimum number should be one.</p>	
<i>(III) Timing of Lodging and Collection of Proxy Instruments</i>		
Requirements under the BMO		
18.	<p> <u>Paragraph 4(3) of Schedule 3</u></p> <p>The instrument appointing a proxy shall be lodged with the MC Secretary at least 48 hours before the time for the holding of the meeting.</p>	
19.	<p> <u>Paragraph 4(5)(a) of Schedule 3</u></p> <p>Where an instrument appointing a proxy is lodged with the MC Secretary, the MC Secretary shall acknowledge receipt of the instrument by leaving a receipt at the flat of the owner who made the instrument, or depositing the receipt in the letter box for that flat, before the time for the holding of the meeting.</p>	

⁶ Not including any garage, carpark or carport.




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Best Practices		
20.	 <u>Paragraph 3.2.16</u> The timing and location for opening of the proxy instrument collection boxes (if any) and counting of the proxy instruments should be convenient to all owners.	
21.	 <u>Paragraph 3.2.17</u> If the manager 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.	
22.	 <u>Paragraph 3.2.18</u> The MC / manager should advise owners 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.	
23.	 <u>Paragraph 3.2.19</u> The MC / manager should advise owners to personally lodge the proxy instrument together with the completed form (see template at <u><i>Annex B</i></u> of the Best Practices) with the MC Secretary directly or deposit them in the ways as instructed by the MC Secretary, and should avoid giving them to third parties for onward transmission. The MC / manager should advise the owners to make and retain a copy of the instrument and the completed form before lodging or depositing them.	
24.	 <u>Paragraph 3.2.20</u> The MC / manager should advise owners that the proxy instrument lodged by each owner should be the original copy.	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
25.	<p> <u>Paragraph 3.2.10</u></p> <p>Upon receipt of the proxy instrument and the completed and signed form (see template at <u>Annex B</u> of the Best Practices) (if any), the MC Secretary (or the manager assisting him / her) should –</p> <ol style="list-style-type: none"> affix the chop(s) of the MC (or that of the manager) on the proxy instrument and each part (including the “Statement of Purposes in respect of Collection of Personal Data”) of the form that has been completed and signed. If 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; make a copy of the proxy instruments and the completed form showing the chop(s) affixed; and keep the proxy instrument, the completed and signed form and the copies in (b) above in a safe place. 	
26.	<p> <u>Paragraph 3.2.21</u></p> <p>The proxy instrument collection boxes (if any) should be double-locked and placed in a prominent place of the building.</p>	
27.	<p> <u>Paragraph 3.2.22</u></p> <p>The acknowledgement of receipt of the proxy instrument should be accompanied by a copy each of –</p> <ol style="list-style-type: none"> the proxy instrument; and the completed form (see template at <u>Annex B</u> of the Best Practices) <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, or 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>	

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28.	<p>👍 <u>Paragraph 3.2.23</u></p> <p>The MC / manager should advise owners 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.</p>	
(IV) Determination of the Validity of Proxy Instruments		
Requirements under the BMO		
29.	<p>✧ <u>Paragraph 4(4) of Schedule 3</u></p> <p>The instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs 4(2)⁷ and 4(3)⁸ of Schedule 3 to the BMO.</p>	
30.	<p>✧ <u>Paragraph 4(5)(b) of Schedule 3</u></p> <p>The MC Chairman or, if the Chairman is absent, the person who presides at the meeting, shall determine the validity of the instrument in accordance with paragraph 4(4) of Schedule 3 to the BMO.</p>	
31.	<p>✧ <u>Paragraph 5A(2) of Schedule 3</u></p> <p>Where a meeting of the OC convened under paragraph 1 of Schedule 3 to the BMO is adjourned, a valid instrument appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned meeting unless –</p> <p>(a) contrary intention is shown on the instrument;</p> <p>(b) the instrument is revoked; or</p> <p>(c) the instrument is replaced by a new instrument appointing a proxy.</p>	




⁷ See the item 14 above.




⁸ See the item 18 above.

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
Best Practices - The MC Chairman should handle the proxy instruments in a fair and transparent manner and in accordance with the provisions under the BMO.		
32.	<p> <u>Paragraph 3.2.25</u></p> <p>In determining the validity of a proxy instrument –</p> <p>(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;</p> <p>(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</p> <p>(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 and signature of the proxy appointed by the owner.</p>	
33.	<p> <u>Paragraph 3.2.26</u></p> <p>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 deadline⁹ or to attend the meeting in person.</p>	
34.	<p> <u>Paragraph 3.2.27</u></p> <p>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.</p> <p>If no date is marked on the proxy instruments or the same</p>	

⁹ 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)

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
	<p>date is marked but with different proxies appointed, the MC Chairman should contact the owner concerned to confirm 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 invalid.</p>	
35.	<p>👍 <u>Paragraph 3.2.28</u></p> <p>If there is any query or uncertainty arising from the proxy instruments, the MC Secretary should assist the MC Chairman in contacting the owners concerned for verification of proxy instruments as soon as practicable, and in any event no later than the time for the holding of the meeting. Owners should co-operate with the MC Chairman as far as practicable to ensure that the proxies are properly appointed.</p>	
36.	<p>👍 <u>Paragraph 3.2.29</u></p> <p>After verification by the MC Chairman, the MC Secretary / manager should affix the chop of the MC / manager to illustrate that the proxy instruments have been verified.</p>	
(V) Display of Information Concerning Proxy Instruments		
Requirements under the BMO		
37.	<p>✧ <u>Paragraph 4(5A) of Schedule 3</u></p> <p>Whenever there is any meeting of a corporation, the MC Secretary shall prepare a list of the flats in respect of which proxy instruments are lodged (“the list of proxy information”), setting out every flat in respect of which a proxy instrument is lodged. The MC Secretary shall display the list in a prominent place in the place of the meeting before the time for holding of the meeting until the meeting is concluded.</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
Best Practices		
38.	<p> <u>Paragraph 3.2.30</u></p> <p>The MC Secretary should give sufficient time for owners to check against the 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.</p>	
39.	<p> <u>Paragraph 3.2.31</u></p> <p>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 information of proxy instruments (e.g. posting on the website of the OC) to facilitate checking by the owners.</p>	
40.	<p> <u>Paragraph 3.2.32</u></p> <p>The list of proxy instruments should also include –</p> <ul style="list-style-type: none"> (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 (c) the total number of invalidated proxy instruments. 	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
41.	<p> <u>Paragraph 3.2.33</u></p> <p>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 the 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.</p>	
42.	<p> <u>Paragraph 3.2.34</u></p> <p>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.</p>	
43.	<p> <u>Paragraph 3.2.35</u></p> <p>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.</p>	

(D) Notice for authorizing natural persons

No.	Item	<ul style="list-style-type: none">• Please mark “✓” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “✕” if the item cannot be complied with and state the reason(s) for that.
(I) <i>Form of Notice for Authorizing Natural Persons</i>		
Requirements under the BMO		
44.	<p>✧ <u>Paragraphs 4A(1), 4A(2) and 4A(4) of Schedule 3</u></p> <p>At a meeting of the OC, a corporate flat owner may by written notice authorize 1 natural person to act for it in person in the meeting of the OC. The authorization notice shall:</p> <p>(a) comply with the specified form (see Appendix 10 of A Guide on BMO);</p> <p>(b) (despite anything to the contrary in the corporate flat owner’s constitution) be impressed with its seal or chop and signed by a person authorized by it in that behalf.</p>	
(II) <i>Timing of Lodging and Collection of Authorization Notices</i>		
Requirements under the BMO		
45.	<p>✧ <u>Paragraph 4A(4) of Schedule 3</u></p> <p>The authorization notice shall be lodged with the MC Secretary in hard copy, or sent validly a copy of the notice in electronic form, at least 48 hours before the time for the holding of the meeting.</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✕” if the item cannot be complied with and state the reason(s) for that.
46.	<p>✧ <u>Paragraph 4A(5)(a) of Schedule 3</u></p> <p>Where an authorization notice is lodged with the MC Secretary, the MC Secretary shall acknowledge receipt of the notice by leaving a receipt at the flat of the owner who made the notice, depositing the receipt in the letter box for that flat or by sending validly a receipt in electronic form to the owner, before the time for the holding of the meeting.</p>	
(III) Determination of the Validity of Authorization Notices		
Requirements under the BMO		
47.	<p>✧ <u>Paragraph 4A(5)(b) of Schedule 3</u></p> <p>The MC Chairman or, if the Chairman is absent, the person who presides at the meeting, shall determine the validity of the authorization notice in accordance with paragraph 4A(4) of Schedule 3 to the BMO.</p>	
48.	<p>✧ <u>Paragraph 5A(3) of Schedule 3</u></p> <p>Where a meeting of the OC convened under paragraph 1 of Schedule 3 to the BMO is adjourned, a valid authorization notice appointing a proxy made for the purposes of the original meeting shall remain valid for the purposes of the adjourned meeting unless –</p> <ul style="list-style-type: none"> (a) contrary intention is shown on the notice; (b) the notice is revoked; or (c) the corporate flat owner authorizes another person in respect of the adjourned meeting. 	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✕” if the item cannot be complied with and state the reason(s) for that.
(IV) Display of Information Concerning Authorization Notices		
Requirements under the BMO		
49.	<p>✧ <u>Paragraph 4A(6) of Schedule 3</u></p> <p>Whenever an authorization notice is lodged with the MC Secretary, the MC Secretary shall prepare a list of the flats in respect of which authorization notices for appointing natural persons are lodged, setting out every flat in respect of which an authorization notice is lodged for the meeting. The MC Secretary shall display the list in a prominent place in the place of the meeting before the time for holding of the meeting until the meeting is concluded.</p>	

(E) Declarations for Procurement

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✕” if the item cannot be complied with and state the reason(s) for that.
(I) Requirements and Format of Declarations		
Requirements under the BMO		
50.	<p>✧ <u>Paragraphs 1, 9 and 10 of Schedule 6B</u></p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✖” if the item cannot be complied with and state the reason(s) for that.
	<p>Any type 1 high-value procurement, type 2 high-value procurement and large-scale maintenance procurement¹⁰ should comply with the requirements under Schedule 6B to the BMO, i.e. participants of the MC and responsible persons¹¹ for the procurement must, as soon as reasonably practicable, make declarations in accordance with the requirements.</p>	
51.	<p>✧ <u>Paragraphs 17, 22 and 23 of Schedule 6B</u> <u>(if a large-scale maintenance procurement resolution is involved)</u></p> <p>Apart from making declarations, participants of the MC and responsible persons for the procurement must also make “No interest” declarations separately before the first tender acceptance meeting¹² is held.</p>	
52.	<p>✧ <u>Paragraphs 2, 3, 11, 12, 18, 19, 24 and 25 of Schedule 6B</u> <u>The form of declarations must:</u></p> <p>(a) be made in the specified form (see Appendices 14A and 14B of A Guide on BMO);</p> <p>(b) (despite anything to the contrary in the corporate flat owner’s constitution) be impressed with its seal or chop and signed by a person authorized by it in that behalf.</p>	

¹⁰ According to the definitions in sections 2D and 2E of the BMO.

¹¹ According to the definition in section 2(1) of the BMO, it refers to the manager of the building or a person who is act in accordance with the directions of the manager in procurement.



¹² According to the definition in section 2(1) of the BMO, the first tender acceptance meeting refers to an OC meeting that is convened under Schedule 3, at which the question whether a tender submitted for the procurement is to be accepted or not is considered.


No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✖” if the item cannot be complied with and state the reason(s) for that.
	<p>The declaration must be made to the following persons:</p> <p>(a) the chairman or secretary of MC;</p> <p>(b) if the declarant is the MC Chairman, then to the MC Secretary;</p> <p>(c) if the declarant is the MC Secretary, then to the MC Chairman; or</p> <p>(d) if making the declaration in the above ways is impracticable for reasons (such as vacancy in an office), then to every member of the MC except for the declarant.</p>	
(II) Requirement on display of Information Concerning Declarations		
Requirements under the BMO		
53.	<p>✧ <u>Paragraphs 4 and 13 of Schedule 6B</u></p> <p>If a declaration under paragraph 1, 9 or 10 of Schedule 6B has been made, the MC must display a notice of the declaration in a prominent place in the building within 7 days after the date on which the declarations made for at least 7 consecutive days. The notice must contain the following information (see Appendix 17 of A Guide on BMO for reference):</p> <p>(a) the procurement concerned and the tender concerned;</p> <p>(b) the declarant’s post or capacity in MC (if any); and</p> <p>(c) the right of specified person to inspect a copy of the declaration under Schedule 6B.</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✕” if the item cannot be complied with and state the reason(s) for that.
(III) Specific Meeting Procedure relating to Declarations		
Requirements under the BMO		
54.	<p>✧ <u>Paragraphs 5 and 14 of Schedule 6B</u></p> <p>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 since the making of the declaration, and attach a copy of the notice of declarations to the minutes of the proceedings at the meeting.</p>	
55.	<p>✧ <u>Paragraphs 20 and 26 of Schedule 6B</u> <u>(if a large-scale maintenance procurement resolution is involved)</u></p> <p>For every declaration that has been made under paragraph 17, 22 or 23 of Schedule 6B, the MC must prepare a document which identifies the procurement and the tender, the office of the MC that the declarant assumes (if any), and the right to inspect a copy of the declaration, and attach the document to the minutes of the proceedings at the first tender acceptance meeting (see Appendix 18 of “A Guide on BMO” of reference).</p>	

(F) **Presiding at and Conduct of a General Meeting of an OC**

No.	Item	<ul style="list-style-type: none">• Please mark “✓” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
Requirements under the BMO		
56.	<p>✧ <u>Paragraph 3(1) of Schedule 3</u></p> <p>A meeting of the OC shall be presided over by –</p> <ul style="list-style-type: none">(a) the MC Chairman;(b) in the absence of the MC Chairman, the MC Vice-chairman (if any); or(c) in the absence of the MC Chairman and the MC Vice-chairman (if any), a person appointed by the owners present at the meeting from amongst themselves.	
57.	<p>✧ <u>Section 27(7) of the BMO</u></p> <p>If the financial statements are required to be audited, the MC must produce a copy of the financial statements and a copy of the accountant’s report to the corporation at the first annual general meeting of the corporation, since the corporation obtains the audited financial statements and the report from the accountant.</p> <p>Otherwise, the MC must produce a copy of the financial statements to the corporation at the first annual general meeting of the corporation, since the financial statements are prepared.</p>	
58.	<p>✧ <u>Paragraphs 7, 8 and 16 of Schedule 6B</u> <u>(if a large-scale maintenance procurement resolution is involved)</u></p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✖” if the item cannot be complied with and state the reason(s) for that.
	<p>The MC must ensure the declarant does not participate in related procurement activities or meetings in accordance with the restrictions in Schedule 6B. If the MC intends to exempt the declarant from the restrictions by virtue of paragraphs 7(3) or 16(2) of Schedule 6B, it must ensure that the reasons for proposing the exemption resolution are clearly recorded in the minutes of the proceedings at the meeting.</p>	
Best Practices - The MC Chairman should conduct the general meeting in an orderly manner and allow owners to have equal opportunity to speak at the general meeting		
59.	<p> <u>Paragraph 3.3.1</u></p> <p>The MC Chairman should –</p> <ul style="list-style-type: none"> (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. 	
60.	<p> <u>Paragraph 3.3.2</u></p> <p>The MC Secretary should –</p> <ul style="list-style-type: none"> (a) confirm that the quorum of the meeting is formed before the commencement of the general meeting; 	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✕” if the item cannot be complied with and state the reason(s) for that.
	<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) further to (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>	
61.	<p> <u>Paragraph 1.2</u></p> <p>In the course of the appointment of the MC members, a candidate running to be a participant of the MC should declare at the nomination form of such candidate, the owners’ meeting, annual general meeting or general meeting before voting, such candidate’s connections (if any) with other candidates and the existing MC participants, and such</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✕” if the item cannot be complied with and state the reason(s) for that.
	<p>candidate’s relationship (if any) with the MC of other OC(s) (such as serving as a MC participant of the OC of another building) (a sample form for declaration of connections / relationship is at <u><i>Annex A</i></u> of the Best Practices). The declaration should be recorded in the minutes of the meeting.</p>	

(G) Number of Person Participating in a General Meeting of an OC

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✕” if the item cannot be complied with and state the reason(s) for that.
Requirements under the BMO		
62.	<p>✧ <u>Paragraph 5 of Schedule 3</u></p> <p>The quorum at a meeting of the OC shall be –</p> <p>(a) 20% of the owners, in the case of a meeting at which a resolution for the dissolution of the MC under section 30 of the BMO is proposed; or</p> <p>(b) 10% of the owners in any other case.</p> <p>A proxy appointed by an owner to attend and vote on behalf of the owner at a meeting of the OC shall, for the purposes of the meeting, be treated as being the owner present at the meeting.</p>	

(H) Cast of Votes at a General meeting of an OC

No.	Item	<ul style="list-style-type: none">• Please mark “✓” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
Requirements under the BMO		
63.	<p>✧ <u>Paragraph 3(3) of Schedule 3</u></p> <p>All matters arising at a meeting of the OC at which a quorum is present shall be decided by a majority of the votes of the owners voting either personally or by proxy except in the following two cases –</p> <p>(a) appointment of MC Chairman, Vice-chairman (if any), Secretary, Treasurer and members at a general meeting of the OC, which shall be made by using the “first past the post” voting system;</p> <p>(b) 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 the general meeting of the OC.</p>	
64.	<p>✧ <u>Paragraph 3(4) of Schedule 3</u></p> <p>If there is an equality of votes, the person presiding over the meeting shall have, in addition to a deliberative vote, a casting vote.</p>	
65.	<p>✧ <u>Paragraph 3(5)(a) of Schedule 3</u></p> <p>At any meeting of the OC an owner shall, unless the deed of mutual covenant (if any) otherwise provides and subject to paragraph 3(6) of Schedule 3 to the BMO (see the item 68</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✖” if the item cannot be complied with and state the reason(s) for that.
	below), have one vote in respect of each share which the owner owns.	
66.	<p>✧ <u>Paragraph 3(5)(b) of Schedule 3</u></p> <p>Where 2 or more persons are the co-owners of a share, the vote in respect of the share may be cast –</p> <p>(a) by a proxy jointly appointed by the co-owners;</p> <p>(b) by a person appointed by the co-owners from amongst themselves; or</p> <p>(c) if no appointment is made under item (a) or (b) above, either by one of the co-owners personally or by a proxy appointed by one of the co-owners.</p>	
67.	<p>✧ <u>Paragraph 3(5)(c) of Schedule 3</u></p> <p>Where 2 or more persons are the co-owners of a share and 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.</p>	
68.	<p>✧ <u>Paragraph 3(6) of Schedule 3</u></p> <p>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.</p>	
69.	<p>✧ <u>Paragraph 4 of Schedule 6C</u> <u>(if a large-scale maintenance procurement resolution is involved)</u></p>	



No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✖” if the item cannot be complied with and state the reason(s) for that.
	<p>The concerned meeting is subject to a voting-in-person threshold, i.e. at least 5% of the owners or 100 owners (whichever is lesser) must vote in person.</p>	
70.	<p>✧ <u>Paragraph 5 of Schedule 6C</u> <u>(if a large-scale maintenance procurement resolution is involved)</u></p> <p>The MC must ensure the respective total votes cast personally and by proxy are clearly recorded in the minutes of the proceedings at the meeting.</p>	
Requirements under the CoP		
71.	<p>© <u>Paragraph 5.3 of the CoP on Procurement of Supplies, Goods and Services</u></p> <p>A tender which requires approval from a general meeting of the OC or owners must be passed by majority votes. Where there are more than two alternatives and no option receives majority votes in the first round of voting, the general meeting of the OC will have to conduct a second round of voting in order to comply with the majority requirement. Some plausible methods of voting are –</p> <p>(a) progressive elimination – after the first round of voting, the general meeting may eliminate the option with the least number of votes and then carry out the second round of voting. If there is no option which receives majority votes, another round of voting will be carried out, with one more option being eliminated. If this goes on, only two options will be left in the</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✗” if the item cannot be complied with and state the reason(s) for that.
	<p>final round of voting. Either one of the options will receive majority votes;</p> <p>(b) short-listing – after the first round of voting, the general meeting may short-list the two options which gain the greatest number of votes for a second round of voting. This also means that the ultimate choice fulfils the majority requirement; and</p> <p>(c) confirmation – a second round of voting could be carried out to confirm the option which has attained the greatest number of votes in the first round. This also ensures that majority votes are achieved.</p>	

(I) Actions after the Conclusion of a General Meeting

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✕” if the item cannot be complied with and state the reason(s) for that.
Requirements under the BMO		
72.	<p>✧ <u>Paragraph 6(1) of Schedule 3</u></p> <p>The MC Secretary shall keep minutes of the proceedings at every general meeting.</p>	
73.	<p>✧ <u>Paragraph 6(2) of Schedule 3</u></p> <p>The minutes shall be certified by the person presiding over the meeting as a true record of the proceedings of the meeting.</p>	
74.	<p>✧ <u>Paragraph 6(3) of Schedule 3</u></p> <p>The MC shall display the certified minutes in a prominent place in the building within 28 days of the date of the meeting for at least 7 consecutive days.</p>	
75.	<p>✧ <u>Section 36A(1) of the BMO</u></p> <p>The MC must keep certified minutes for a meeting during the period of 6 years after the date on which they are certified in accordance with the BMO.</p>	
76.	<p>✧ <u>Section 36A(2) of the BMO</u></p> <p>The MC must keep all proxy instruments lodged with the MC during the period of 12 months after the conclusion of the meeting regardless of whether the instrument is valid under the BMO.</p>	

No.	Item	<ul style="list-style-type: none"> • Please mark “✓” if the item has been complied with. • Please mark “NA” if the item is not applicable. • For Best Practices, please mark “✖” if the item cannot be complied with and state the reason(s) for that.
77.	<p>✧ <u>Section 36A(3) of the BMO</u></p> <p>The MC must keep all authorization notices lodged with the MC during the period of 3 years after the conclusion of the meeting regardless of whether the notice is valid under the BMO.</p>	
78.	<p>✧ <u>Section 28B of the BMO</u></p> <p>The MC must keep all procurement documents for at least 6 years, including tender documents, the copy of contract, statements of account, invoices and other relevant documents.</p>	
79.	<p>✧ <u>Paragraphs 6, 15, 21 and 27 of Schedule 6B</u></p> <p>The MC must keep all declarations related to procurement for at least 6 years.</p>	
80.	<p>✧ <u>Paragraph 6 of Schedule 6C</u> <u>(if a large-scale maintenance procurement resolution is involved)</u></p> <p>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.</p>	
Requirements under the CoP		
81.	<p>© <u>Paragraph 6.1 of the CoP on Procurement of Supplies, Goods and Services</u></p> <p>To reduce possible disputes arising from the signing of contracts between OCs and suppliers / contractors within a</p>	

No.	Item	<ul style="list-style-type: none">• Please mark “✓” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “✖” if the item cannot be complied with and state the reason(s) for that.				
	very short period of time, for type 2 high-value procurement or large-scale maintenance procurement, the MC or the responsible persons concerned should consider, having regard to the circumstances of the case, signing the contract with suppliers / contractors at least one month after the passing of the relevant resolution at a general meeting of the OC.					
Best Practices						
82.	<p> <u>Paragraph 3.4.1</u></p> <p>The MC should keep all the documents related to the appointment of proxies, i.e. –</p> <ul style="list-style-type: none">(a) the lodged proxy instruments;(b) the copies of the completed form (i.e. the form of Declaration(s) by Proxy and Owner’s Voting Instructions of the Best Practices) showing the chop(s) affixed;(c) the voting instructions that were used as ballot papers (see paragraph 3.3.2(d)) (if any); and(d) the proxy information displayed for at least three years.					
83.	<p> <u>Paragraph 3.4.2</u></p> <p>The documents related to the appointment of proxies should be made available to the following parties for inspection –</p> <table><tr><th>Documents</th><th>Parties</th></tr><tr><td>Proxy instrument</td><td>The owner, the proxy</td></tr></table>	Documents	Parties	Proxy instrument	The owner, the proxy	
Documents	Parties					
Proxy instrument	The owner, the proxy					

No.	Item		<ul style="list-style-type: none">• Please mark “✓” if the item has been complied with.• Please mark “NA” if the item is not applicable.• For Best Practices, please mark “✕” if the item cannot be complied with and state the reason(s) for that.
		<p>concerned, the Authority or an authorized officer, the MC Chairman and the MC Secretary (and the manager providing assistance)</p> <p>Other owners (if consent from both the owner and the proxy concerned has been given)</p>	
	The form of Declaration(s) by Proxy and Owner’s Voting Instructions	<p>The owner, the proxy concerned, the Authority or an authorized officer, the MC Chairman and the MC Secretary (and the manager providing assistance)</p> <p>Other owners (if consent from both the owner and the proxy concerned has been given)</p>	
	Proxy information displayed	All owners of the building, the proxies concerned, the Authority or an authorized officer, the MC Chairman and the MC Secretary (and the manager providing assistance)	

Remarks (add additional sheets if needed)

Signature of the manager

Signature of the MC
Chairman

Name of the manager

Name of the MC
Chairman

Date

Date



優質大廈管理齊共創

Quality Building for All