

3. Meetings and Procedure of MC

Q92 : What is the quorum of a meeting of the MC?

A : The quorum at a meeting of the MC shall be 50% of the members of the MC (rounded to the nearest whole number) or 3 such members, whichever is greater.

Para 9 of Sch. 2

For example, if the number of members of the MC is 9, then the quorum shall be 5 members. If the number of the MC is 3, then the quorum shall be 3 members.

Q93 : How frequently should an MC meet?

A : An MC shall meet at least once in every period of 3 months.

Para 7 of Sch. 2

Q94 : Could owners attend meeting of an MC?

A : There is no provision in the BMO that provides for the right of attendance of meeting of an MC by owners who are not MC members, although the MC members may well permit individual owners to attend any such meetings. Such owners, however, have no right to vote in the MC meetings.

Apart from attending the MC meetings, owners have other channels to know what is discussed at the MC meetings. Paragraph 8(2) of Schedule 2 to the BMO provides that the secretary shall display the notice of the MC meeting in a prominent place in the building at least 7 days before the date of the meeting. Paragraph 10(4B) of Schedule 2 also stipulates that the secretary shall display the minutes of the MC meeting in a prominent place in the building within 28 days of the date of the meeting. Owners may also request the OC to supply him with copies of any minutes of the MC meetings.

Q95 : Paragraph 8 of Schedule 2 to the BMO provides that the secretary of an MC shall convene a meeting of the MC within 14 days of receiving the request of any 2 members, and that such meeting shall be held within 21 days. What is the difference between convening and holding a meeting?

A : Generally, convening a meeting means arranging for a meeting, whereas holding a meeting means causing it to actually take place. The word “convene” in paragraph 8 of Schedule 2 does not mean formally holding the meeting and could be interpreted as giving notice of the meeting.

Para 8 of Sch. 2

Court case: 顏偉國 訴 何蘭和嘉都大廈業主立案法團 [LDBM 173/2000]

Q96 :

How should the notice of a meeting of an MC be given?

A :

The secretary shall, at least 7 days before the date of the MC meeting, display the notice of meeting in a prominent place in the building and give notice to the following persons –

- (a) each member of the MC; and
- (b) the treasurer of the MC (if he is not an MC member).

The secretary may give notice by –

- (a) delivering it personally;
- (b) sending it by post at the last known address of the recipient;
- (c) leaving it at the flat of the recipient; or
- (d) depositing it in the letter box for the flat of the recipient.

Para 8 of Sch. 2

Q97 :

Who should decide the agenda for a meeting of an MC?

A :

If the meeting of the MC is convened by the chairman / vice-chairman, then the agenda for the meeting of an MC should be determined by the chairman / vice-chairman, in consultation with members of the MC.

If the meeting is convened by the secretary at the request of any 2 MC members, then the agenda should be determined by the members who request the meeting.

Q98 :

Could an MC pass resolutions on items that are not included in the notice of the MC meeting?

A :

Paragraph 8(2AA) of Schedule 2 to the BMO provides that the notice of MC meeting shall specify the resolutions that are to be proposed at the MC meeting. Such notice has to be delivered to every MC member and MC treasurer (if he is not an MC member) and be displayed in a prominent place of the building. This allows the MC members and owners to know in advance what would be discussed at the MC meeting. Therefore, although a resolution passed at an MC meeting may not be considered as invalid simply because it has not been included in the notice of meeting, MCs should avoid passing resolutions on items that are not included in the notice of meeting.

Para 8(2AA) of Sch. 2

Q99 :

Can a member of an MC appoint a proxy to attend the meeting of MC for him?

A :

No. BMO does not provide for the appointment of proxy for meetings of MC. MC members must attend the MC meetings in person.

Q100 :

Who should preside over a meeting of an MC?

A :

The chairman of an MC shall preside over a meeting of an MC. If the chairman is absent, the vice-chairman shall preside over the meeting. If both chairman and vice-chairman are absent, then the meeting shall be presided over by a member appointed by the MC.

Para 10(1) of Sch. 2

Q101 :

If the secretary and treasurer are not members of the MC, can they vote at a meeting of MC?

A :

No. Paragraphs 2(5) and 5(4) of Schedule 2 to the BMO provide that a person who is not a member of the MC does not by virtue of his appointment as the secretary or treasurer become a member of the MC. According to paragraph 10(3) of Schedule 2, only member of an MC shall have the right to vote at a meeting of the MC.

Para 2(5), 5(4) and 10(3) of Sch. 2

Q102 :

How can owners know what is discussed at the meeting of the MC?

A :

Owners may know what is discussed at the meeting of the MC by reading the notice of meeting and minutes of meeting.

Para 8(2), 10(4B) and 10A(2) of Sch. 2

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