

**Guidance Notes for
Application under section 3A
of the
Building Management Ordinance (BMO)**

1. Under normal circumstances, owners should firstly invoke section 3 of the Building Management Ordinance prior to the invocation of section 3A. Where an application under section 3A is not preceded by section 3 action, detailed explanation should be provided to justify non-invocation of section 3.
2. After convening a meeting or meetings of owners under section 3 but the resolution to appoint a management committee under section 3(2) has been unable to arrive at, owners of not less than 20% of undivided shares in aggregate who support the appointment of a management committee may under section 3A apply in writing to the Authority (the Secretary for Home Affairs) through the responsible District Office. They may nominate an owner as a representative for the Authority's consideration for appointment as the convenor for a meeting of owners under section 3A(1).
3. The application should be submitted together with the following documents —
 - a) A copy of the deed of mutual covenant of the building;
 - b) A copy of the minutes or other documentary proof of the previous meeting(s) convened under section 3 with the resolution(s) (if any);
 - c) Application forms signed by owners (Form I)
 - d) Declaration made by the applicants' representative (Form II); and
 - e) Owners' records issued by the Land Registry showing current particulars of the flats in the building owned by the applicants.
4. All information required on the section 3A application form should be filled in. Failure to complete any part may render the application invalid.
5. The District Office will acknowledge receipt of the application. The applicants' representative will be notified in writing of the result of application normally in 4 weeks' time. The processing may take more than 4 weeks for those complicated applications. For successful application, an order by the Authority for convening the meeting of owners will be enclosed with the notification. The District Office will arrange to display a copy of the order in a prominent place of the building.

6. After the order under section 3A(1) of the Building Management Ordinance is issued by the Authority, any owner, or person referred to in section 3(1)(a) or (b) of the Building Management Ordinance, who wishes to oppose the appointment of a management committee may, by notice served upon the Authority via respective District Office not less than 7 days before the date of the meeting during the office hours of respective District Office, object to the order convening the meeting of owners.
7. The notice of objection to the order by the Authority should be made in the designated form of Form III and submitted through the responsible District Office. A copy of objecting owners' ownership records issued by the Land Registry showing current particulars of the flats in the building owned by them should be submitted with the notice. The objecting owners or person will be notified of their result of objection after the end of the objection period.
8. The order by the Authority shall be of no effect if the total number of shares held by the objecting owners is not less than 20% of the building in aggregate. If this is the case, the Authority will notify the convenor of the meeting of owners who shall bring the notification to the attention of each owner or other person served with the notice of meeting. The District Office will also arrange to display a copy of the notification in a prominent place of the building.
9. For any enquiries, the applicant should contact the staff of the District Office concerned.

Note: These Guidance Notes and Forms I, II and III can be downloaded from our Homepage on Building Management at www.buildingmgt.gov.hk.