



THE
LAW SOCIETY
OF HONG KONG
香港律師會

How to safeguard the rights and interests of the
Property Owners during the building maintenance
業主進行樓宇維修，如何維護自己權益

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2015年9月



1. Building Management Is A Serious Topic 大廈管理是個重要的課題

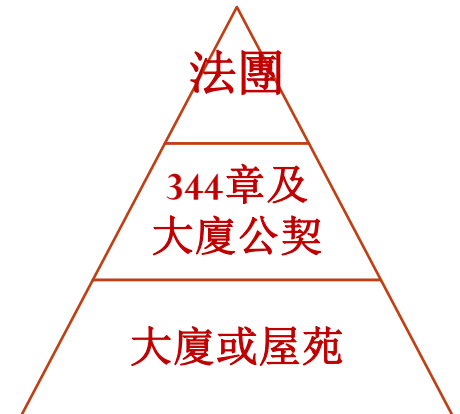
- Out of 40,000 buildings in Hong Kong, there are approximately 22,000 to have Incorporated Owners or Owners Committees to govern their building management.
全港有大約40,000棟大廈，其中大約22,000棟已成立業主立案法團或業主委員會去處理大廈管理事務。
- Majority of them are governed by Cap 344 and DMC
每一棟大廈都受到《建築物管理條例》（香港法例第344章）及大廈公契所監管制約。



2. Structure of IO (or Owners Committee) 業主立案法團（或業主委員會）的結構

- Each Estate/Building is as if a small SAR., it has its DMC and Cap 344 as its Basic Law and the Incorporated Owners (or Owners Committee) as its government – Chairman is as if its Chief Executive.

每一個屋苑或大廈有如一個小特區，大廈公契及344章《建築物管理條例》猶如基本法，而法團及業委會就是政府，主席猶如特首。





3. The Cap. 344 and the DMC

- Building Management Ordinance (Chapter 344)
- 《建築物管理條例》（香港法例第344章）
- Cap.344B “Building Management (Third Party Risks Insurance) Regulation 《建築物管理（第三者風險保險）規例》（香港法例第344B章）

- DMC 大廈公契 – layout



- A. Election and Component of IO 法團的選舉及組成辦法
- B. Accountability and Transparency 信任及透明度
- C. Conduct and Procedures 操守與程序



4. Most Problematic Issues 常見糾紛問題

- Power struggle (權力爭奪)
- Credential of Candidates (候選人的憑信)
- Proxy (代理人)
- Renovation and upkeep of a Building (大廈翻新及保養)
pipes; sewage; lifts; external wall; canopy; windows; fire services;
car parks; water seepage; garbage
(水管、污水、升降機、外牆、窗戶、防火設施、停車場、
漏水、垃圾等問題)
- Legal requirements (對法律的需求)

海富苑業主立案法團案例 LDBM 3/2006

西灣大廈業主立案法團案例
LDBM211/2009

新屯門中心業主立案法團案例
LDBM152/2012



5. Dispute Resolution 爭端解決方式

- Lands Tribunal 土地審裁處審理
- Probono Legal Services and Mediation Scheme run by HAD and Hong Kong Mediation Centre and Hong Kong Mediation Council
公益法律服務及
調解服務（民政事務總署及香港和解中心及香港調解會提供）
- Building Management Liaison Teams of District Offices
大廈管理聯絡小組



6. How to become a smarter owner? 如何成爲一個聰明的業主

To Try to know more about :-

- ① Your IO 法團
- ② Your Building 大廈
- ③ Areas of Services 服務領域
- ④ Finance and Budget 財政及預算
- ⑤ Your Contribution 貢獻
- ⑥ Neighbours 鄰里
- ⑦ Experts 專家
- ⑧ Lawyers 律師
- ⑨ Contractors 承辦商
- ⑩ Contingency Plan 應急計劃



7. Conclusion

BE A SMART PARTICIPATING CO-OWNER!

做個聰明和願意參與的業主！



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Thank you
謝謝！