

**《建築物管理條例》
(第 344 章)**

**Building Management Ordinance
(Cap. 344)**

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經核證文本
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尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

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(第 344 章)

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本條例旨在便利建築物或建築物群的單位的業主成立法團，並就建築物或建築物群的管理以及由此附帶引起或與此相關的事宜而訂定條文。

(由 1993 年第 27 號第 2 條修訂)

To facilitate the incorporation of owners of flats in buildings or groups of buildings, to provide for the management of buildings or groups of buildings and for matters incidental thereto or connected therewith.

(Amended 27 of 1993 s. 2)

[1970 年 6 月 19 日]

(格式變更——2018 年第 2 號編輯修訂紀錄)

[19 June 1970]

(Format changes—E.R. 2 of 2018)

第 I 部

簡稱和釋義

1. 簡稱

本條例可引稱為《建築物管理條例》。

(由 1993 年第 27 號第 3 條修訂)

2. 釋義

在本條例中，除文意另有所指外——

土地註冊處 (Land Registry) 指根據《土地註冊條例》(第 128 章) 設立的土地註冊處；(由 2002 年第 20 號第 5 條代替)

土地註冊處處長 (Land Registrar) 與在新界的土地上的建築物有關時，包括主管當局，但只有土地註冊處處長才可指明各式表格；(由 2002 年第 20 號第 5 條代替)

工作守則 (Code of Practice) 指主管當局根據第 44 條不時擬備、修訂或發出的任何工作守則；(由 1993 年第 27 號第 4 條增補。由 2000 年第 69 號第 2 條修訂)

已登記承按人 (registered mortgagee) 指——

Part I

Short Title and Interpretation

1. Short title

This Ordinance may be cited as the Building Management Ordinance.

(Amended 27 of 1993 s. 3)

2. Interpretation

In this Ordinance, unless the context otherwise requires—

accountant (會計師) means a certified public accountant (practising) within the meaning of the Professional Accountants Ordinance (Cap. 50); (Added 27 of 1993 s. 4. Amended 23 of 2004 s. 56)

administrator (管理人) means a person appointed as an administrator under section 30 or 31;

Authority (主管當局) means the Secretary for Home Affairs; (Added 27 of 1993 s. 4)

- (a) 根據一項按揭或押記接受業主將其於某一座建築物所佔的權益按揭或押記的人，而該項按揭或押記已在土地註冊處註冊；及（由 1993 年第 8 號第 2 條修訂）
- (b) 就一個單位的憑藉任何條例而設立的押記而獲得押記權利的人；

公用部分 (common parts) 指 ——

- (a) 建築物的全部，但不包括在土地註冊處註冊的文書所指明或指定專供某一業主使用、佔用或享用的部分；及（由 1993 年第 8 號第 2 條修訂）
- (b) 附表 1 指明的部分，但上述文書如此指明或指定的部分除外；

公契 (deed of mutual covenant) 指一份文件，該文件 ——

- (a) 界定業主之間的權利、權益、責任；及
- (b) 在土地註冊處註冊；（由 1993 年第 8 號第 2 條修訂）

主管當局 (Authority) 指民政事務局局长；（由 1993 年第 27 號第 4 條增補。由 1997 年第 362 號法律公告修訂）

召集人 (convenor) ——

- (a) 就根據第 3 條召開的業主會議而言，指第 3(1)(a) 或 (b) 條提述的人或根據第 3(1)(c) 條委任的業主；
- (b) 就根據第 3A 條召開的業主會議而言，指根據第 3A(1) 條指定的業主；
- (c) 就根據第 4 條召開的業主會議而言，指根據第 4(1) 條指定的業主；或
- (d) 就根據第 40C 條召開的業主會議而言，指名列於根據第 40C(1) 條作出的命令的業主；（由 2007 年第 5 號第 3 條增補）

份數 (share) 指按照第 39 條所釐定的業主於某一座建築物所佔的份數；

authorized officer (獲授權人員) means any public officer authorized in writing by the Authority in that behalf; (*Added 27 of 1993 s. 4*)

building (建築物) means—

- (a) any building which contains any number of flats comprising 2 or more levels, including basements or underground parking areas;
- (b) any land upon which that building is erected; and
- (c) any other land (if any) which—
- (i) is in common ownership with that building or land; or
- (ii) in relation to the appointment of a management committee under section 3, 3A, 4 or 40C or any application in respect thereof, is owned or held by any person for the common use, enjoyment and benefit (whether exclusively or otherwise) of the owners and occupiers of the flats in that building; (*Replaced 27 of 1993 s. 4. Amended 5 of 2007 s. 3*)

Code of Practice (工作守則) means any Code of Practice prepared, revised or issued from time to time by the Authority under section 44; (*Added 27 of 1993 s. 4. Amended 69 of 2000 s. 2*)

common parts (公用部分) means—

- (a) the whole of a building, except such parts as have been specified or designated in an instrument registered in the Land Registry as being for the exclusive use, occupation or enjoyment of an owner; and (*Amended 8 of 1993 s. 2*)
- (b) unless so specified or designated, those parts specified in Schedule 1; (*Amended 5 of 2007 s. 40*)

convenor (召集人)—

佔用人 (occupier) 指合法佔用單位的租客、分租客或其他人，但不包括該單位的業主；(由 1993 年第 27 號第 4 條增補)

委員 (member) 就某管理委員會而言，指根據第 14(2) 條或附表 2 第 2(1)(b)、5(2)(a)、6 或 6A 段委任為該管理委員會委員的人；(由 2007 年第 5 號第 3 條增補)

法團 (corporation) 指根據第 8 條註冊的法團；

屋邨 (estate) 指根據第 34E(6) 條作出的申請內所指的建築物或建築物群；(由 1993 年第 27 號第 4 條增補)

建築物 (building) 指——

- (a) 包括地庫或地下停車場在內共有 2 層或多於 2 層的建築物，單位數目不限；
- (b) 該建築物所在的土地；及
- (c) 以下的其他土地 (如有的話)——
 - (i) 與該建築物或土地屬同一擁有權者；或
 - (ii) 與根據第 3、3A、4 或 40C 條委出管理委員會或與申請委出管理委員會有關時，由任何人為該建築物各單位的業主及佔用人的共同使用、享用及利益 (不論是否獨有) 而擁有或持有者；(由 1993 年第 27 號第 4 條代替。由 2007 年第 5 號第 3 及 40 條修訂)

租客代表 (tenants' representative) 指根據第 15(1) 條委任的租客代表；(由 1993 年第 27 號第 4 條增補)

單位 (flat) 指公契所提述建築物內的任何處所，不論公契以單位或其他名稱描述，也不論該處所乃用作居所、店鋪、廠房、辦公室或任何其他用途，而該處所的業主，相對於同一座建築物其他各個部分的業主或佔用人而言，乃有權享有該處所的獨有管有權者；

登記冊 (register) 指根據第 12 條備存的法團登記冊；

會計師 (accountant) 指《專業會計師條例》(第 50 章) 所指的執業會計師；(由 1993 年第 27 號第 4 條增補)

- (a) in relation to a meeting of owners convened under section 3, means the person referred to in section 3(1)(a) or (b) or the owner appointed under section 3(1)(c);
- (b) in relation to a meeting of owners convened under section 3A, means the owner directed under section 3A(1);
- (c) in relation to a meeting of owners convened under section 4, means the owner directed under section 4(1); or
- (d) in relation to a meeting of owners convened under section 40C, means the owner named in the order made under section 40C(1); (Added 5 of 2007 s. 3)

corporation (法團) means a corporation registered under section 8;

deed of mutual covenant (公契) means a document which—

- (a) defines the rights, interests and obligations of owners among themselves; and
- (b) is registered in the Land Registry; (Amended 8 of 1993 s. 2)

estate (屋邨) means the buildings or groups of buildings the subject of an application under section 34E(6); (Added 27 of 1993 s. 4)

exempt estate (獲豁免屋邨) means—

- (a) any estate specified in Schedule 9; (Amended 5 of 2007 s. 40)
- (b) any estate added to that Schedule under section 34E(6); (Added 27 of 1993 s. 4)

flat (單位) means any premises in a building which are referred to in a deed of mutual covenant whether described therein as a flat or by any other name and whether used as a dwelling, shop, factory, office or for any other purpose, of which

業主 (owner) 指 ——

- (a) 土地註冊處紀錄顯示，當其時擁有一幅上有建築物土地的一份不可分割份數的人；及 (由 1993 年第 8 號第 2 條修訂)
- (b) 管有該份數的已登記承按人；

管理人 (administrator) 指根據第 30 或 31 條委任為管理人的人；

管理委員會 (management committee) 指根據第 3、3A、4 或 40C 條委出的管理委員會；(由 1993 年第 27 號第 4 條修訂；由 2007 年第 5 號第 3 及 40 條修訂)

審裁處 (tribunal) 指根據《土地審裁處條例》(第 17 章) 第 3 條設立的土地審裁處；(由 1993 年第 27 號第 4 條增補)

獲授權人員 (authorized officer) 指主管當局就此而以書面授權的任何公職人員；(由 1993 年第 27 號第 4 條增補)

獲豁免屋邨 (exempt estate) 指 ——

- (a) 附表 9 所指明的任何屋邨；
- (b) 根據第 34E(6) 條加於該附表的任何屋邨。(由 1993 年第 27 號第 4 條增補)

(由 1993 年第 27 號第 4 條修訂。編輯修訂——2018 年第 2 號編輯修訂紀錄)

the owner, as between himself and owners or occupiers of other parts of the same building, is entitled to the exclusive possession;

Land Registrar (土地註冊處處長) includes, in relation to buildings on land in the New Territories, the Authority, save that only the Land Registrar may specify forms; (Replaced 20 of 2002 s. 5)

Land Registry (土地註冊處) means the Land Registry established under the Land Registration Ordinance (Cap. 128); (Replaced 20 of 2002 s. 5)

management committee (管理委員會) means a management committee appointed under section 3, 3A, 4 or 40C; (Amended 27 of 1993 s. 4; 5 of 2007 s. 3)

member (委員), in relation to a management committee, means a person appointed as a member of the management committee under section 14(2) or paragraph 2(1)(b), 5(2)(a), 6 or 6A of Schedule 2; (Added 5 of 2007 s. 3)

occupier (佔用人) means a tenant, sub-tenant or other person in lawful occupation of a flat, but does not include an owner of that flat; (Added 27 of 1993 s. 4)

owner (業主) means—

- (a) a person who for the time being appears from the records at the Land Registry to be the owner of an undivided share in land on which there is a building; and (Amended 8 of 1993 s. 2)
- (b) a registered mortgagee in possession of such share;

register (登記冊) means the register of corporations maintained under section 12;

registered mortgagee (已登記承按人) means—

- (a) a person to whom an owner's interest in a building has been mortgaged or charged under a mortgage or charge

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第 344 章第 I 部
第 2A 條Part I
Section 2A1-10
Cap. 344**2A.** (由 1993 年第 27 號第 5 條廢除)**2B. 對過半數票的提述**

為免生疑問，在斷定某決議是否在根據本條例召開的會議上獲業主或管理委員會委員以過半數票通過時，無須理會——

- (a) 沒有出席會議的業主或委員 (視屬何情況而定)；
- (b) 出席會議但沒有投票的業主或委員 (視屬何情況而定)；
- (c) 空白或無效的票；
- (d) 棄權票。

(由 2007 年第 5 號第 4 條增補)

which has been registered in the Land Registry; and
(Amended 8 of 1993 s. 2)

- (b) a person in whose favour a charge upon a flat has been created by virtue of any Ordinance;

share (份數) means the share of an owner in a building determined in accordance with section 39;

tenants' representative (租客代表) means the tenants' representative appointed under section 15(1); (Added 27 of 1993 s. 4)

tribunal (審裁處) means the Lands Tribunal established under section 3 of the Lands Tribunal Ordinance (Cap. 17). (Added 27 of 1993 s. 4)

(Amended 27 of 1993 s. 4)

2A. (Repealed 27 of 1993 s. 5)**2B. References to majority of votes**

For the avoidance of doubt, in determining whether a resolution is passed by a majority of the votes of owners, or members of a management committee, at a meeting convened under this Ordinance, the following shall be disregarded—

- (a) owners or members, as the case may be, who are not present at the meeting;
- (b) owners or members, as the case may be, who are present at the meeting but do not vote;
- (c) blank or invalid votes;
- (d) abstentions.

(Added 5 of 2007 s. 4)

第 II 部

管理委員會

3. 委出管理委員會

- (1) 委出管理委員會的任何業主會議，可由以下的人召開——（由 2007 年第 5 號第 41 條修訂）
 - (a) 按照公契（如有的話）管理建築物的人；或
 - (b) 公契（如有的話）授權召開該會議的任何其他人；或
 - (c) 由總共擁有份數不少於 5% 的業主委任召開該會議的一名業主。（由 2007 年第 5 號第 5 條代替）
- (2) 在根據本條召開的業主會議上，業主可藉符合以下說明的決議，委出管理委員會——
 - (a) 由親自投票或委派代表投票的業主以過半數票通過；及
 - (b) 獲總共擁有份數不少於 30% 的業主支持。（由 2007 年第 5 號第 5 條代替）
- (3) 召集人須在業主會議日期至少 14 天前，向每一名業主發出會議通知，而——
 - (a) 如召集人是第 (1)(a) 款提述的人，則亦須向第 (1)(b) 款提述的人（如有的話）發出會議通知；
 - (b) 如召集人是第 (1)(b) 款提述的人，則亦須向第 (1)(a) 款提述的人（如有的話）發出會議通知；或
 - (c) 如召集人是根據第 (1)(c) 款委任的業主，則亦須向第 (1)(a) 或 (b) 款提述的人（如有的話）發出會議通知。（由 2007 年第 5 號第 5 條增補）
- (4) 會議通知須指明——
 - (a) 會議日期、時間和地點；及

Part II

Management Committee

3. Appointment of management committee

- (1) A meeting of the owners to appoint a management committee may be convened by—
 - (a) any person managing the building in accordance with the deed of mutual covenant (if any); or
 - (b) any other person authorized to convene such a meeting by the deed of mutual covenant (if any); or
 - (c) one owner appointed to convene such a meeting by the owners of not less than 5% of the shares in aggregate. *(Replaced 5 of 2007 s. 5)*
- (2) At a meeting of owners convened under this section, the owners may, by a resolution—
 - (a) passed by a majority of the votes of the owners voting either personally or by proxy; and
 - (b) supported by the owners of not less than 30% of the shares in aggregate,
 appoint a management committee. *(Replaced 5 of 2007 s. 5)*
- (3) The convenor shall, at least 14 days before the date of the meeting of owners, give notice of the meeting to each owner and—
 - (a) where the convenor is the person referred to in subsection (1)(a), to the person referred to in subsection (1)(b) (if any);

- (b) 擬在會議上提出，並只關乎委出管理委員會及業主成立法團的決議。(由 2007 年第 5 號第 5 條增補)
- (5) 會議通知可藉以下方式發出——
- (a) 就業主而言，可將通知——
- (i) 面交該業主；
 - (ii) 按該業主最後為人所知的地址郵寄給他；或
 - (iii) 留在該業主的單位內或放入為該單位而設的信箱內；或
- (b) 就第 (1)(a) 或 (b) 款提述的人而言，可將通知——
- (i) 面交該人；或
 - (ii) 按該人最後為人所知的地址郵寄給他。(由 2007 年第 5 號第 5 條增補)
- (6) 召集人亦須在業主會議日期至少 14 天前，在建築物的顯眼處展示會議通知。(由 2007 年第 5 號第 5 條增補)
- (7) 根據本條召開的業主會議須由召集人主持。(由 2007 年第 5 號第 5 條增補)
- (8) 根據本條召開的業主會議的法定人數為業主人數的 10%。(由 2007 年第 5 號第 5 條增補)
- (9) 在根據本條召開的業主會議上——
- (a) 除公契(如有的話)另有規定外，業主每擁有一份份數，即有一票；
 - (b) 業主可親自投票或委派代表投票；
 - (c) 如有 2 人或多於 2 人是某份數的共同擁有人，則該份數的票——
 - (i) 可由共同擁有人共同委任的代表投下；
 - (ii) 可由共同擁有人所委任的他們當中一人投下；或

- (b) where the convenor is the person referred to in subsection (1)(b), to the person referred to in subsection (1)(a) (if any); or
- (c) where the convenor is the owner appointed under subsection (1)(c), to the person referred to in subsection (1)(a) or (b) (if any). *(Added 5 of 2007 s. 5)*
- (4) The notice of meeting shall specify—
- (a) the date, time and place of the meeting; and
 - (b) the resolutions that are to be proposed at the meeting and are related only to the appointment of a management committee and the incorporation of the owners. *(Added 5 of 2007 s. 5)*
- (5) The notice of meeting may be given—
- (a) in the case of an owner—
 - (i) by delivering it personally to the owner;
 - (ii) by sending it by post to the owner at his last known address; or
 - (iii) by leaving it at the owner's flat or depositing it in the letter box for that flat; or
 - (b) in the case of a person referred to in subsection (1)(a) or (b)—
 - (i) by delivering it personally to the person; or
 - (ii) by sending it by post to the person at his last known address. *(Added 5 of 2007 s. 5)*
- (6) The convenor shall also, at least 14 days before the date of the meeting of owners, display the notice of meeting in a prominent place in the building. *(Added 5 of 2007 s. 5)*
- (7) The convenor shall preside at a meeting of owners convened under this section. *(Added 5 of 2007 s. 5)*

- (iii) 如沒有根據第 (i) 或 (ii) 節作出委任，則可由其中一名共同擁有人親自投下，或由其中一名共同擁有人委任的代表投下；及
- (d) 如有 2 人或多於 2 人是某份數的共同擁有人，而有多於一名共同擁有人擬就該份數投票，則只有由在土地註冊處備存的註冊紀錄冊內就該份數而記錄排名最先的共同擁有人所投的票（不論親自投下或委派代表投下），才視作有效。（由 2007 年第 5 號第 5 條增補）
- (10) 為施行第 (9) 款——
- (a) 委任代表的文書須符合附表 1A 表格 1 所列的格式，——
- (i) 並須由業主簽署；或
- (ii) 如業主是法人團體，則須（即使其章程另有規定）蓋上其印章或圖章並由獲該法人團體就此而授權的人簽署；
- (b) 委任代表的文書須在會議舉行的時間至少 48 小時前送交召集人；
- (c) 委任代表的文書須按照 (a) 及 (b) 段訂立和送交，方屬有效；
- (d) 就會議而言，獲業主委任代表他出席和投票的代表須視為出席會議的該業主；及
- (e) 凡有委任代表的文書送交召集人，召集人須——
- (i) 在會議舉行的時間前，將收據留在訂立該文書的業主的單位內或放入為該單位而設的信箱內，藉以確認收到該文書；
- (ii) 按照 (c) 段決定該文書是否有效；及
- (iii) 在會議舉行的時間前，在會議地點的顯眼處展示該業主的單位的資料，並致使該資料保持如

- (8) The quorum at a meeting of owners convened under this section shall be 10% of the owners. (*Added 5 of 2007 s. 5*)
- (9) At a meeting of owners convened under this section—
- (a) an owner shall, unless the deed of mutual covenant (if any) otherwise provides, have one vote in respect of each share he owns;
- (b) an owner may cast a vote personally or by proxy;
- (c) where 2 or more persons are the co-owners of a share, the vote in respect of the share may be cast—
- (i) by a proxy jointly appointed by the co-owners;
- (ii) by a person appointed by the co-owners from amongst themselves; or
- (iii) if no appointment is made under subparagraph (i) or (ii), either by one of the co-owners personally or by a proxy appointed by one of the co-owners; and
- (d) 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. (*Added 5 of 2007 s. 5*)
- (10) For the purposes of subsection (9)—
- (a) the instrument appointing a proxy shall be in the form set out in Form 1 in Schedule 1A, and—
- (i) shall be signed by the owner; or
- (ii) if the owner is a body corporate, shall, notwithstanding anything to the contrary in its constitution, be impressed with the seal or chop

此展示，直至會議結束為止。（由 2007 年第 5 號第 5 條增補）

- (11) 除第 (12) 款另有規定外，召集人須保留所有送交他的委任代表的文書，為期自會議結束後起計至少 12 個月。（由 2007 年第 5 號第 5 條增補）
- (12) 如有管理委員會在根據本條召開的業主會議中委出——
- (a) 召集人須在會議結束後，立即將所有送交他的委任代表的文書送交管理委員會；及
- (b) 管理委員會須保留該等文書，為期自會議結束後起計至少 12 個月。（由 2007 年第 5 號第 5 條增補）
- (13) 除第 (14) 款另有規定外，凡根據本條召開的業主會議延期舉行，第 (3)、(4)、(5)、(6)、(7)、(8)、(9)、(10)、(11) 及 (12) 款適用於該延會，一如該等條文適用於原來會議。（由 2007 年第 5 號第 5 條增補）
- (14) 凡根據本條召開的業主會議延期舉行，就原來會議而言有效的委任代表的文書，除在以下情況下，就該延會而言仍屬有效——
- (a) 在該文書上表明相反意圖；
- (b) 該文書已予撤銷；或
- (c) 該文書被新的委任代表的文書取代。（由 2007 年第 5 號第 5 條增補）

（由 1993 年第 27 號第 42 條修訂）

- of the body corporate and signed by a person authorized by the body corporate in that behalf;
- (b) the instrument appointing a proxy shall be lodged with the convenor at least 48 hours before the time for the holding of the meeting;
- (c) the instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs (a) and (b);
- (d) a proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting; and
- (e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall—
- (i) 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;
- (ii) determine the validity of the instrument in accordance with paragraph (c); and
- (iii) display information of the owner's flat in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting. (Added 5 of 2007 s. 5)
- (11) Subject to subsection (12), the convenor shall keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least 12 months after the conclusion of the meeting. (Added 5 of 2007 s. 5)

- (12) Where a management committee is appointed at a meeting of owners convened under this section—
- (a) the convenor shall deliver to the management committee immediately after the conclusion of the meeting all the instruments for the appointment of proxies that have been lodged with him; and
 - (b) the management committee shall keep the instruments for a period of at least 12 months after the conclusion of the meeting. *(Added 5 of 2007 s. 5)*
- (13) Subject to subsection (14), where a meeting of owners convened under this section is adjourned, subsections (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) shall apply to the adjourned meeting as they apply to the original meeting. *(Added 5 of 2007 s. 5)*
- (14) Where a meeting of owners convened under this section 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—
- (a) contrary intention is shown on the instrument;
 - (b) the instrument is revoked; or
 - (c) the instrument is replaced by a new instrument appointing a proxy. *(Added 5 of 2007 s. 5)*
- (Amended 27 of 1993 s. 42)*

3A. 向主管當局申請後委出管理委員會

- (1) 主管當局可在總共擁有份數不少於 20% 的業主申請下，命令由主管當局所指定的業主召開業主會議，以委出管理委員會。 *(由 2000 年第 69 號第 4 條修訂)*
- (2) 第 3(1)(a) 或 (b) 條所提述的任何人，均有權出席根據本條召開的業主會議。

3A. Appointment of management committee after application to the Authority

- (1) The Authority may, upon application by the owners of not less than 20% of the shares in aggregate, order that a meeting of owners shall be convened, by such owner as the Authority may direct, to appoint a management committee. *(Amended 69 of 2000 s. 4; 5 of 2007 s. 42)*

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- (3) 除第 (5) 款另有規定外，在根據本條召開的業主會議上，業主可藉由親自投票或委派代表投票的業主以過半數票通過的決議，委出管理委員會。
- (3A) 召集人須在業主會議日期至少 14 天前，向每一名業主及第 3(1)(a) 或 (b) 條提述的人 (如有的話) 發出會議通知。 (由 2007 年第 5 號第 6 條增補)
- (3B) 會議通知須指明 ——
- (a) 會議日期、時間和地點；及
- (b) 擬在會議上提出，並只關乎委出管理委員會及業主成立法團的決議。 (由 2007 年第 5 號第 6 條增補)
- (3C) 會議通知可藉以下方式發出 ——
- (a) 就業主而言，可將通知 ——
- (i) 面交該業主；
- (ii) 按該業主最後為人所知的地址郵寄給他；或
- (iii) 留在該業主的單位內或放入為該單位而設的信箱內；或
- (b) 就第 3(1)(a) 或 (b) 條提述的人而言，可將通知 ——
- (i) 面交該人；或
- (ii) 按該人最後為人所知的地址郵寄給他。 (由 2007 年第 5 號第 6 條增補)
- (3D) 召集人亦須在業主會議日期至少 14 天前，在建築物的顯眼處展示會議通知。 (由 2007 年第 5 號第 6 條增補)
- (3E) 根據本條召開的業主會議須由召集人主持。 (由 2007 年第 5 號第 6 條增補)
- (3F) 根據本條召開的業主會議的法定人數為業主人數的 10%。 (由 2007 年第 5 號第 6 條增補)
- (3G) 在根據本條召開的業主會議上 ——
- (a) 除公契 (如有的話) 另有規定外，業主每擁有一份份數，即有一票；

- (2) Any person referred to in section 3(1)(a) or (b) shall be entitled to attend a meeting of owners convened under this section.
- (3) Subject to subsection (5), at a meeting of owners convened under this section, the owners may, by a resolution passed by a majority of the votes of the owners voting either personally or by proxy, appoint a management committee.
- (3A) The convenor shall, at least 14 days before the date of the meeting of owners, give notice of the meeting to each owner and the person referred to in section 3(1)(a) or (b) (if any). (Added 5 of 2007 s. 6)
- (3B) The notice of meeting shall specify—
- (a) the date, time and place of the meeting; and
- (b) the resolutions that are to be proposed at the meeting and are related only to the appointment of a management committee and the incorporation of the owners. (Added 5 of 2007 s. 6)
- (3C) The notice of meeting may be given—
- (a) in the case of an owner—
- (i) by delivering it personally to the owner;
- (ii) by sending it by post to the owner at his last known address; or
- (iii) by leaving it at the owner's flat or depositing it in the letter box for that flat; or
- (b) in the case of a person referred to in section 3(1)(a) or (b)—
- (i) by delivering it personally to the person; or
- (ii) by sending it by post to the person at his last known address. (Added 5 of 2007 s. 6)

- (b) 業主可親自投票或委派代表投票；
- (c) 如有 2 人或多於 2 人是某份數的共同擁有人，則該份數的票——
- (i) 可由共同擁有人共同委任的代表投下；
 - (ii) 可由共同擁有人所委任的他們當中一人投下；或
 - (iii) 如沒有根據第 (i) 或 (ii) 節作出委任，則可由其中一名共同擁有人親自投下，或由其中一名共同擁有人委任的代表投下；及
- (d) 如有 2 人或多於 2 人是某份數的共同擁有人，而有多於一名共同擁有人擬就該份數投票，則只有由在土地註冊處備存的註冊紀錄冊內就該份數而記錄排名最先的共同擁有人所投的票（不論親自投下或委派代表投下），才視作有效。（由 2007 年第 5 號第 6 條增補）
- (3H) 為施行第 (3G) 款——
- (a) 委任代表的文書須符合附表 1A 表格 1 所列的格式，——
 - (i) 並須由業主簽署；或
 - (ii) 如業主是法人團體，則須（即使其章程另有規定）蓋上其印章或圖章並由獲該法人團體就此而授權的人簽署；
 - (b) 委任代表的文書須在會議舉行的時間至少 48 小時前送交召集人；
 - (c) 委任代表的文書須按照 (a) 及 (b) 段訂立和送交，方屬有效；
 - (d) 就會議而言，獲業主委任代表他出席和投票的代表須視為出席會議的該業主；及
 - (e) 凡有委任代表的文書送交召集人，召集人須——

- (3D) The convenor shall also, at least 14 days before the date of the meeting of owners, display the notice of meeting in a prominent place in the building. *(Added 5 of 2007 s. 6)*
- (3E) The convenor shall preside at a meeting of owners convened under this section. *(Added 5 of 2007 s. 6)*
- (3F) The quorum at a meeting of owners convened under this section shall be 10% of the owners. *(Added 5 of 2007 s. 6)*
- (3G) At a meeting of owners convened under this section—
- (a) an owner shall, unless the deed of mutual covenant (if any) otherwise provides, have one vote in respect of each share he owns;
 - (b) an owner may cast a vote personally or by proxy;
 - (c) where 2 or more persons are the co-owners of a share, the vote in respect of the share may be cast—
 - (i) by a proxy jointly appointed by the co-owners;
 - (ii) by a person appointed by the co-owners from amongst themselves; or
 - (iii) if no appointment is made under subparagraph (i) or (ii), either by one of the co-owners personally or by a proxy appointed by one of the co-owners; and
 - (d) 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. *(Added 5 of 2007 s. 6)*
- (3H) For the purposes of subsection (3G)—
- (a) the instrument appointing a proxy shall be in the form set out in Form 1 in Schedule 1A, and—

- (i) 在會議舉行的時間前，將收據留在訂立該文書的業主的單位內或放入為該單位而設的信箱內，藉以確認收到該文書；
 - (ii) 按照 (c) 段決定該文書是否有效；及
 - (iii) 在會議舉行的時間前，在會議地點的顯眼處展示該業主的單位的資料，並致使該資料保持如此展示，直至會議結束為止。 (由 2007 年第 5 號第 6 條增補)
- (3I) 除第 (3J) 款另有規定外，召集人須保留所有送交他的委任代表的文書，為期自會議結束後起計至少 12 個月。 (由 2007 年第 5 號第 6 條增補)
- (3J) 如有管理委員會在根據本條召開的業主會議中委出——
- (a) 召集人須在會議結束後，立即將所有送交他的委任代表的文書送交管理委員會；及
 - (b) 管理委員會須保留該等文書，為期自會議結束後起計至少 12 個月。 (由 2007 年第 5 號第 6 條增補)
- (3K) 除第 (3L) 款另有規定外，凡根據本條召開的業主會議延期舉行，第 (3A)、(3B)、(3C)、(3D)、(3E)、(3F)、(3G)、(3H)、(3I) 及 (3J) 款適用於該延會，一如該等條文適用於原來會議。 (由 2007 年第 5 號第 6 條增補)
- (3L) 凡根據本條召開的業主會議延期舉行，就原來會議而言有效的委任代表的文書，除在以下情況下，就該延會而言仍屬有效——
- (a) 在該文書上表明相反意圖；
 - (b) 該文書已予撤銷；或
 - (c) 該文書被新的委任代表的文書取代。 (由 2007 年第 5 號第 6 條增補)
- (4) 任何業主，或第 3(1)(a) 或 (b) 條所提述的人 (視屬何情況而定)，如欲反對委出管理委員會，可在會議日期至少 7

- (i) shall be signed by the owner; or
 - (ii) 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;
- (b) the instrument appointing a proxy shall be lodged with the convenor at least 48 hours before the time for the holding of the meeting;
- (c) the instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs (a) and (b);
- (d) a proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting; and
- (e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall—
- (i) 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;
 - (ii) determine the validity of the instrument in accordance with paragraph (c); and
 - (iii) display information of the owner's flat in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting. (Added 5 of 2007 s. 6)

天前，向主管當局發出通知，反對該項根據本條召開業主會議的命令。

- (5) 如根據第 (4) 款主管當局收到——
- (a) 由總共擁有份數不少於 20% 的業主送達的反對通知；或 (由 1998 年第 12 號第 2 條修訂)
- (b) 由第 3(1)(a) 或 (b) 條所提述的人送達並由總共擁有份數不少於 20% 的業主加簽或以其他方式表示支持的反對通知，(由 1998 年第 12 號第 2 條修訂；由 2000 年第 69 號第 4 條修訂)

則主管當局根據第 (1) 款發出的命令即屬無效，主管當局並須據此通知召集人，而召集人在切實可行下須盡可能將此項通知知會每一名業主或其他根據第 (3A) 款獲發給會議通知的人。

- (6) 凡主管當局的命令由於第 (5) 款而成為無效，則主管當局可建議申請人根據第 4(1)(a) 條向審裁處申請，而主管當局或獲授權人員亦可根據第 4(1)(b) 條向審裁處申請。
- (由 1993 年第 27 號第 6 條增補。由 2007 年第 5 號第 6 及 42 條修訂)

- (3I) Subject to subsection (3J), the convenor shall keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least 12 months after the conclusion of the meeting. *(Added 5 of 2007 s. 6)*
- (3J) Where a management committee is appointed at a meeting of owners convened under this section—
- (a) the convenor shall deliver to the management committee immediately after the conclusion of the meeting all the instruments for the appointment of proxies that have been lodged with him; and
- (b) the management committee shall keep the instruments for a period of at least 12 months after the conclusion of the meeting. *(Added 5 of 2007 s. 6)*
- (3K) Subject to subsection (3L), where a meeting of owners convened under this section is adjourned, subsections (3A), (3B), (3C), (3D), (3E), (3F), (3G), (3H), (3I) and (3J) shall apply to the adjourned meeting as they apply to the original meeting. *(Added 5 of 2007 s. 6)*
- (3L) Where a meeting of owners convened under this section 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—
- (a) contrary intention is shown on the instrument;
- (b) the instrument is revoked; or
- (c) the instrument is replaced by a new instrument appointing a proxy. *(Added 5 of 2007 s. 6)*
- (4) Any owner, or person referred to in section 3(1)(a) or (b), as the case may be, who wishes to oppose the appointment of a management committee may, by notice given to the Authority at least 7 days before the date of the meeting, object to the order convening the meeting of owners under this section.

4. 向審裁處申請後委出管理委員會

- (1) 審裁處可在 — (由 1993 年第 27 號第 42 條修訂)
- (a) 總共擁有份數不少於 10% 的業主申請下；或 (由 2000 年第 69 號第 5 條修訂)
- (b) 主管當局或獲授權人員申請下，(由 1993 年第 27 號第 7 條代替)
- 命令由審裁處所指定的業主召開業主會議，以委出管理委員會。(由 1993 年第 27 號第 42 條修訂；由 2007 年第 5 號第 43 條修訂)
- (2) 根據第 (1) 款發出命令時，審裁處可命令申請人或反對申請的人支付申請的訟費。(由 1993 年第 27 號第 42 條修訂)

- (5) If, under subsection (4), the Authority receives—
- (a) notices of objection from the owners of not less than 20% of the shares in aggregate; or (*Amended 12 of 1998 s. 2*)
- (b) a notice of objection from a person referred to in section 3(1)(a) or (b) endorsed or otherwise supported by the owners of not less than 20% of the shares in aggregate, (*Amended 12 of 1998 s. 2; 69 of 2000 s. 4*)

any order of the Authority under subsection (1) shall be of no effect and the Authority shall notify the convenor accordingly who shall, so far as practicable, bring the notification to the attention of each owner or other person to whom a notice has been given under subsection (3A). (*Amended 5 of 2007 s. 42*)

- (6) Where any order of the Authority is of no effect by virtue of subsection (5) the Authority may advise the applicant to apply to the tribunal under section 4(1)(a) or the Authority or an authorized officer may apply to the tribunal under section 4(1)(b).

(*Added 27 of 1993 s. 6. Amended 5 of 2007 s. 6*)

4. Appointment of management committee after application to tribunal

- (1) The tribunal may, upon application by— (*Amended 27 of 1993 s. 42*)
- (a) the owners of not less than 10% of the shares in aggregate; or (*Amended 69 of 2000 s. 5; 5 of 2007 s. 43*)
- (b) the Authority or an authorized officer, (*Replaced 27 of 1993 s. 7*)

order that a meeting of owners shall be convened, by such owner as the tribunal may direct, to appoint a management committee. (*Amended 27 of 1993 s. 42*)

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- (3) 如有的話根據第 III 部成立法團，法團須向申請人付還他按照第 (2) 款的命令所支付的任何訟費。(由 1993 年第 27 號第 7 條修訂)
- (4) 在根據本條召開的業主會議上，業主可藉由親自投票或委派代表投票的業主以過半數票通過的決議，委出管理委員會。(由 1993 年第 27 號第 7 條代替。由 2007 年第 5 號第 7 及 43 條修訂)
- (5) 召集人須在業主會議日期至少 14 天前，向每一名業主及第 3(1)(a) 或 (b) 條提述的人(如有的話)發出會議通知。(由 2007 年第 5 號第 7 條增補)
- (6) 會議通知須指明 ——
- (a) 會議日期、時間和地點；及
- (b) 擬在會議上提出，並只關乎委出管理委員會及業主成立法團的決議。(由 2007 年第 5 號第 7 條增補)
- (7) 會議通知可藉以下方式發出 ——
- (a) 就業主而言，可將通知 ——
- (i) 面交該業主；
- (ii) 按該業主最後為人所知的地址郵寄給他；或
- (iii) 留在該業主的單位內或放入為該單位而設的信箱內；或
- (b) 就第 3(1)(a) 或 (b) 條提述的人而言，可將通知 ——
- (i) 面交該人；或
- (ii) 按該人最後為人所知的地址郵寄給他。(由 2007 年第 5 號第 7 條增補)
- (8) 召集人亦須在業主會議日期至少 14 天前，在建築物的顯眼處展示會議通知。(由 2007 年第 5 號第 7 條增補)
- (9) 根據本條召開的業主會議須由召集人主持。(由 2007 年第 5 號第 7 條增補)

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- (2) Upon the making of an order under subsection (1) the tribunal may order that the costs of the application shall be paid by the applicant or by any person opposing the application. (Amended 27 of 1993 s. 42)
- (3) If a corporation is established under Part III, the corporation shall refund to the applicant any costs paid by him in accordance with an order made under subsection (2). (Amended 27 of 1993 s. 7)
- (4) At a meeting of owners convened under this section, the owners may, by a resolution passed by a majority of the votes of the owners voting either personally or by proxy, appoint a management committee. (Replaced 27 of 1993 s. 7. Amended 5 of 2007 s. 7)
- (5) The convenor shall, at least 14 days before the date of the meeting of owners, give notice of the meeting to each owner and the person referred to in section 3(1)(a) or (b) (if any). (Added 5 of 2007 s. 7)
- (6) The notice of meeting shall specify—
- (a) the date, time and place of the meeting; and
- (b) the resolutions that are to be proposed at the meeting and are related only to the appointment of a management committee and the incorporation of the owners. (Added 5 of 2007 s. 7)
- (7) The notice of meeting may be given—
- (a) in the case of an owner—
- (i) by delivering it personally to the owner;
- (ii) by sending it by post to the owner at his last known address; or
- (iii) by leaving it at the owner's flat or depositing it in the letter box for that flat; or

- (10) 根據本條召開的業主會議的法定人數為業主人數的 10%。 (由 2007 年第 5 號第 7 條增補)
- (11) 在根據本條召開的業主會議上——
- (a) 除公契 (如有的話) 另有規定外, 業主每擁有一份份數, 即有一票;
- (b) 業主可親自投票或委派代表投票;
- (c) 如有 2 人或多於 2 人是某份數的共同擁有人, 則該份數的票——
- (i) 可由共同擁有人共同委任的代表投下;
- (ii) 可由共同擁有人所委任的他們當中一人投下; 或
- (iii) 如沒有根據第 (i) 或 (ii) 節作出委任, 則可由其中一名共同擁有人親自投下, 或由其中一名共同擁有人委任的代表投下; 及
- (d) 如有 2 人或多於 2 人是某份數的共同擁有人, 而有多於一名共同擁有人擬就該份數投票, 則只有由在土地註冊處備存的註冊紀錄冊內就該份數而記錄排名最先的共同擁有人所投的票 (不論親自投下或委派代表投下), 才視作有效。 (由 2007 年第 5 號第 7 條增補)
- (12) 為施行第 (11) 款——
- (a) 委任代表的文書須符合附表 1A 表格 1 所列的格式,——
- (i) 並須由業主簽署; 或
- (ii) 如業主是法人團體, 則須 (即使其章程另有規定) 蓋上其印章或圖章並由獲該法人團體就此而授權的人簽署;
- (b) 委任代表的文書須在會議舉行的時間至少 48 小時前送交召集人;

- (b) in the case of a person referred to in section 3(1)(a) or (b)—
- (i) by delivering it personally to the person; or
- (ii) by sending it by post to the person at his last known address. (Added 5 of 2007 s. 7)
- (8) The convenor shall also, at least 14 days before the date of the meeting of owners, display the notice of meeting in a prominent place in the building. (Added 5 of 2007 s. 7)
- (9) The convenor shall preside at a meeting of owners convened under this section. (Added 5 of 2007 s. 7)
- (10) The quorum at a meeting of owners convened under this section shall be 10% of the owners. (Added 5 of 2007 s. 7)
- (11) At a meeting of owners convened under this section—
- (a) an owner shall, unless the deed of mutual covenant (if any) otherwise provides, have one vote in respect of each share he owns;
- (b) an owner may cast a vote personally or by proxy;
- (c) where 2 or more persons are the co-owners of a share, the vote in respect of the share may be cast—
- (i) by a proxy jointly appointed by the co-owners;
- (ii) by a person appointed by the co-owners from amongst themselves; or
- (iii) if no appointment is made under subparagraph (i) or (ii), either by one of the co-owners personally or by a proxy appointed by one of the co-owners; and
- (d) 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

- (c) 委任代表的文書須按照 (a) 及 (b) 段訂立和送交，方屬有效；
- (d) 就會議而言，獲業主委任代表他出席和投票的代表須視為出席會議的該業主；及
- (e) 凡有委任代表的文書送交召集人，召集人須——
- (i) 在會議舉行的時間前，將收據留在訂立該文書的業主的單位內或放入為該單位而設的信箱內，藉以確認收到該文書；
 - (ii) 按照 (c) 段決定該文書是否有效；及
 - (iii) 在會議舉行的時間前，在會議地點的顯眼處展示該業主的單位的資料，並致使該資料保持如此展示，直至會議結束為止。（由 2007 年第 5 號第 7 條增補）
- (13) 除第 (14) 款另有規定外，召集人須保留所有送交他的委任代表的文書，為期自會議結束後起計至少 12 個月。（由 2007 年第 5 號第 7 條增補）
- (14) 如有管理委員會在根據本條召開的業主會議中委出——
- (a) 召集人須在會議結束後，立即將所有送交他的委任代表的文書送交管理委員會；及
 - (b) 管理委員會須保留該等文書，為期自會議結束後起計至少 12 個月。（由 2007 年第 5 號第 7 條增補）
- (15) 除第 (16) 款另有規定外，凡根據本條召開的業主會議延期舉行，第 (5)、(6)、(7)、(8)、(9)、(10)、(11)、(12)、(13) 及 (14) 款適用於該延會，一如該等條文適用於原來會議。（由 2007 年第 5 號第 7 條增補）
- (16) 凡根據本條召開的業主會議延期舉行，就原來會議而言有效的委任代表的文書，除在以下情況下，就該延會而言仍屬有效——
- (a) 在該文書上表明相反意圖；
 - (b) 該文書已予撤銷；或

that share in the register kept at the Land Registry shall be treated as valid. (*Added 5 of 2007 s. 7*)

- (12) For the purposes of subsection (11)—
- (a) the instrument appointing a proxy shall be in the form set out in Form 1 in Schedule 1A, and—
 - (i) shall be signed by the owner; or
 - (ii) 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;
 - (b) the instrument appointing a proxy shall be lodged with the convenor at least 48 hours before the time for the holding of the meeting;
 - (c) the instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs (a) and (b);
 - (d) a proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting; and
 - (e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall—
 - (i) 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;
 - (ii) determine the validity of the instrument in accordance with paragraph (c); and

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(c) 該文書被新的委任代表的文書取代。(由 2007 年第 5 號第 7 條增補)

- (iii) display information of the owner's flat in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting. *(Added 5 of 2007 s. 7)*
- (13) Subject to subsection (14), the convenor shall keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least 12 months after the conclusion of the meeting. *(Added 5 of 2007 s. 7)*
- (14) Where a management committee is appointed at a meeting of owners convened under this section—
- (a) the convenor shall deliver to the management committee immediately after the conclusion of the meeting all the instruments for the appointment of proxies that have been lodged with him; and
- (b) the management committee shall keep the instruments for a period of at least 12 months after the conclusion of the meeting. *(Added 5 of 2007 s. 7)*
- (15) Subject to subsection (16), where a meeting of owners convened under this section is adjourned, subsections (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14) shall apply to the adjourned meeting as they apply to the original meeting. *(Added 5 of 2007 s. 7)*
- (16) Where a meeting of owners convened under this section 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—
- (a) contrary intention is shown on the instrument;
- (b) the instrument is revoked; or
- (c) the instrument is replaced by a new instrument appointing a proxy. *(Added 5 of 2007 s. 7)*

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5. (由 2007 年第 5 號第 8 條廢除)

5A. (由 2007 年第 5 號第 9 條廢除)

5B. 業主的百分率的計算

在附表 11 所指明的本條例條文中，提述業主的某個百分率之處——

(a) 須解釋為提述業主總人數的該百分率，而無須理會他們在建築物的總分割份數中的擁有權的百分率；而

(b) 並非解釋為總共擁有該百分率的份數的業主，而該附表須適用於計算該等條文所提述的業主的百分率。

(由 2000 年第 69 號第 7 條增補)

6. 管理委員會的組織及工作程序

附表 2 適用於管理委員會的組織及工作程序。

(由 1993 年第 27 號第 42 條修訂)

5. (Repealed 5 of 2007 s. 8)

5A. (Repealed 5 of 2007 s. 9)

5B. Enumeration of owners

Schedule 11 shall have effect with respect to the enumeration of the percentage of owners referred to in the provisions of the Ordinance specified in that Schedule in the case where, in those provisions as so specified, a reference to a percentage of the owners is—

(a) to be construed as a reference to the total expressed percentage of the number of persons who are owners without regard to their ownership of any particular percentage of the total number of shares into which the building is divided; and

(b) not to be construed as the owners of the total expressed percentage of the shares.

(Added 69 of 2000 s. 7)

6. Composition and procedure of management committee

Schedule 2 shall have effect with respect to the composition and procedure of a management committee.

(Amended 27 of 1993 s. 42; 5 of 2007 s. 44)

第 III 部

法團的成立

7. 管理委員會申請註冊成立業主立案法團

- (1) 根據第 3、3A、4 或 40C 條委出的管理委員會，須在委出後 28 天內向土地註冊處處長申請將各業主根據本條例註冊成為法團。（由 1993 年第 8 號第 3 條修訂）
- (2) 根據第 (1) 款遞交的申請書，須符合土地註冊處處長指明的格式，並須包括以下各項詳情——（由 1993 年第 8 號第 3 條修訂）
 - (a) 擬成立法團的名稱，格式須為“..... 業主立案法團”；
(建築物說明)
 - (b) 建築物名稱（如有的話）及地址；
 - (c) 法團擬用作註冊辦事處的地址；及
 - (d) 管理委員會主席及秘書的姓名及地址。
- (3) 根據第 (1) 款遞交的申請書，須附有以下文件——
 - (a) 有關建築物的公契（如有的話）副本一份；
 - (aa) 如已根據第 3A(1) 條向主管當局作出申請，主管當局命令副本一份；（由 1993 年第 27 號第 9 條增補）
 - (b) 如已根據第 4(1) 或 40C 條向審裁處作出申請，審裁處命令副本一份；
 - (c) 證明管理委員會乃根據第 3、3A、4 或 40C 條委出的決議書或其他文件的副本一份，並由管理委員會主席或秘書或由通過決議的會議的主席核證為確實；（由 2007 年第 5 號第 10 條修訂）
 - (d) 由管理委員會主席或秘書聲明第 3、3A、4 或 40C 條的條文以及第 5B 條的有關條文已獲遵守的聲明書，

Part III

Incorporation

7. Application by management committee for registration of owners as a corporation

- (1) A management committee appointed under section 3, 3A, 4 or 40C shall within 28 days of such appointment apply to the Land Registrar for the registration of the owners as a corporation under this Ordinance. (*Amended 8 of 1993 s. 3*)
- (2) An application under subsection (1) shall be in such form as the Land Registrar may specify and shall include the following particulars— (*Amended 8 of 1993 s. 3*)
 - (a) the name of the proposed corporation, which shall be in the form “The Incorporated Owners of ”;
(Description of building)
 - (b) the name (if any) and address of the building;
 - (c) the address of the proposed registered office of the corporation; and
 - (d) the name and address of the chairman and secretary of the management committee.
- (3) An application under subsection (1) shall be accompanied by the following documents—
 - (a) a copy of the deed of mutual covenant (if any) in respect of the building;
 - (aa) where an application has been made to the Authority under section 3A(1), a copy of the order of the Authority; (*Added 27 of 1993 s. 9*)

聲明書須符合土地註冊處處長指明的格式；及（由 1993 年第 8 號第 3 條修訂；由 2007 年第 5 號第 10 條修訂）

- (e) 由每一名根據附表 2 第 2(1)(b) 段委任的管理委員會委員說明自己並非該附表第 4(1)(a) 或 (b) 段所描述的人的陳述書，陳述書須符合土地註冊處處長指明的格式。（由 2007 年第 5 號第 10 條增補。由 2014 年第 18 號第 55 條修訂）

（由 1993 年第 27 號第 9 及 42 條修訂；由 2000 年第 69 號第 8 條修訂；由 2007 年第 5 號第 45 條修訂）

8. 法團的成立

- (1) 土地註冊處處長如信納第 3、3A、4 或 40C 條以及第 7(2) 及 (3) 條的條文已獲遵守，即須以主管當局不時指明的表格發出註冊證書。（由 1993 年第 8 號第 3 條修訂；由 1993 年第 27 號第 10 及 42 條修訂；由 2000 年第 69 號第 9 條修訂）
- (1A) 凡一份公契就某建築物而有效，土地註冊處處長不得就該建築物向多於一個法團發出註冊證書。（由 2007 年第 5 號第 11 條增補）

- (b) where an application has been made to the tribunal under section 4(1) or 40C, a copy of the order of the tribunal;
- (c) a copy of the resolution or other document evidencing the appointment of the management committee under section 3, 3A, 4 or 40C certified as correct by the chairman or secretary of the management committee or by the chairman of the meeting at which the resolution was passed; (*Amended 5 of 2007 s. 10*)
- (d) a declaration by the chairman or secretary of the management committee, in such form as the Land Registrar may specify, that the provisions of section 3, 3A, 4 or 40C and relevant provisions in section 5B have been complied with; and (*Amended 8 of 1993 s. 3; 5 of 2007 s. 10*)
- (e) a statement by each member of the management committee appointed under paragraph 2(1)(b) of Schedule 2, in such form as the Land Registrar may specify, that he does not fall within the description of paragraph 4(1)(a) or (b) of that Schedule. (*Added 5 of 2007 s. 10. Amended 18 of 2014 s. 55*)
- (*Amended 27 of 1993 ss. 9 & 42; 69 of 2000 s. 8*)

8. Incorporation

- (1) The Land Registrar shall, if satisfied that the provisions of section 3, 3A, 4 or 40C and section 7(2) and (3) have been complied with, issue a certificate of registration in such form as may be specified by the Authority from time to time. (*Amended 8 of 1993 s. 3; 27 of 1993 ss. 10 & 42; 69 of 2000 s. 9*)
- (1A) The Land Registrar shall not issue a certificate of registration to more than one corporation for a building in respect of

- (2) 由根據第 (1) 款發出註冊證書當日起 ——
- (a) 當其時的業主即成為一永久延續的法人團體，並即可以註冊證書所指明法團的名義起訴和被起訴，而在本條例規限下，亦可進行及容受一切其他作為和事務，猶如法人團體可合法進行及容受的一樣；(由 1975 年第 52 號第 2 條修訂)
- (aa) 該法團有權力，並當作為一向有權力，持有建築物一份不可分割份數，同時有權享有建築物除公用部分以外任何部分的獨有管有權；及 (由 1975 年第 52 號第 2 條增補)
- (b) 根據第 3、3A、4 或 40C 條委出的管理委員會，即當作為該法團的第一屆管理委員會。(由 1993 年第 27 號第 10 條修訂；由 2000 年第 69 號第 9 條修訂；由 2007 年第 5 號第 46 條修訂)
- (3) 法團須備有法團印章，以法團印章蓋印則須由管理委員會主席及秘書簽署認證。
- (4) 法團須在香港設有註冊辦事處。(由 1993 年第 27 號第 10 條修訂)
- (5) 附表 3 適用於法團的會議及會議程序。

9. 不適宜的名稱

法團不得以土地註冊處處長認為不適宜的名稱註冊。

(由 1993 年第 8 號第 3 條修訂)

which a deed of mutual covenant is in force. (*Added 5 of 2007 s. 11*)

- (2) With effect from the date of issue of the certificate of registration under subsection (1)—
- (a) the owners for the time being shall be a body corporate with perpetual succession and shall in the name of the corporation specified in the certificate of registration be capable of suing and being sued and, subject to this Ordinance, of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer; (*Amended 52 of 1975 s. 2*)
- (aa) the corporation shall have, and be deemed always to have had, the power to hold an undivided share in the building, together with the right to the exclusive possession of any part of the building other than the common parts thereof; and (*Added 52 of 1975 s. 2*)
- (b) the management committee appointed under section 3, 3A, 4 or 40C shall be deemed to be the first management committee of the corporation. (*Amended 27 of 1993 s. 10; 69 of 2000 s. 9*)
- (3) A corporation shall have a common seal, the affixing of which shall be authenticated by the signature of the chairman and secretary of the management committee.
- (4) A corporation shall have a registered office in Hong Kong. (*Amended 27 of 1993 s. 10*)
- (5) Schedule 3 shall have effect with respect to the meetings and procedure of a corporation. (*Amended 5 of 2007 s. 46*)

9. Undesirable names

No corporation shall be registered by a name which, in the opinion of the Land Registrar, is undesirable.

[比照 1948 c. 38 s. 17 U.K.]

(Amended 8 of 1993 s. 3)

[cf. 1948 c. 38 s. 17 U.K.]

10. 更改名稱

- (1) 在按照附表 3 為有關目的而召開及進行的法團業主大會中，法團可——
 - (a) 在土地註冊處處長根據第 (2) 款發出指示的情況下，藉業主以過半數票通過的決議；或
 - (b) 在其他情況下，藉業主以不少於 75% 的票數通過的決議，
 更改法團名稱。(由 1993 年第 27 號第 11 條代替。由 2007 年第 5 號第 47 條修訂)
- (2) 如在任何時候，土地註冊處處長認為某法團用以註冊的名稱與另一法團的註冊名稱相似，以致相當可能誤導他人，則土地註冊處處長可指示首先提及的法團在指示發出日起計 6 個星期或土地註冊處處長許可的一段較長期間內更改名稱。(由 1993 年第 8 號第 3 條修訂)
- (3) 法團如沒有遵照第 (2) 款所述指示行事，即屬犯罪，一經定罪，可處以罰款，按指示未獲遵照的日數每天罰款 \$50。(由 1993 年第 27 號第 42 條修訂)
- (4) 法團根據本條更改名稱時，土地註冊處處長須將新名稱列入他根據第 12 條備存的登記冊內，以代替原有名稱，並須發出修訂註冊證書。(由 1993 年第 8 號第 3 條修訂)
- (5) 法團根據本條更改名稱，不影響法團的任何權利或責任，由法團提起或針對法團的法律程序，亦不因而有欠妥善，而本可按原有名稱針對法團繼續進行或開始進行的法律程序，亦可按新名稱針對法團繼續進行或開始進行。

[比照 1948 c. 38 s. 18 U.K.]

10. Change of name

- (1) At a general meeting of a corporation convened and conducted in accordance with Schedule 3 for the purpose, the corporation may— (Amended 5 of 2007 s. 47)
 - (a) in the case of a direction by the Land Registrar under subsection (2), by a resolution passed by a majority; or
 - (b) in any other case, by a resolution passed by not less than 75%, (Amended 5 of 2007 s. 47)
 of the votes of the owners, change the name of the corporation. (Replaced 27 of 1993 s. 11)
- (2) If at any time a corporation is registered by a name which, in the opinion of the Land Registrar, is so similar to the name by which another corporation is registered as to be likely to mislead, the Land Registrar may direct that the first mentioned corporation shall change its name within a period of six weeks from the date of the direction or such longer period as the Land Registrar may allow. (Amended 8 of 1993 s. 3)
- (3) A corporation which makes default in complying with a direction under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$50 for each day during which the default continues. (Amended 27 of 1993 s. 42)
- (4) When a corporation changes its name under this section, the Land Registrar shall enter the new name on the register maintained by him under section 12 in place of the former name, and shall issue an amended certificate of registration. (Amended 8 of 1993 s. 3)

11. 註冊證書副本等的展示

- (1) 管理委員會須將以下文件展示在建築物內的顯眼處——
- (a) 根據第 8(1) 條發出的註冊證書的副本或根據第 10(4) 條發出的修訂註冊證書的副本 (視屬何情況而定)；
 - (b) 在建築物乃法團註冊辦事處的情況下，第 (1B) 款所述格式的註冊辦事處通告；
 - (c) 在建築物並非法團註冊辦事處的情況下，上述通告的副本但其上批註有註冊辦事處的地址。(由 1993 年第 27 號第 12 條代替)
- (1A) 凡建築物並非法團註冊辦事處，管理委員會須將第 (1B) 款所述格式的註冊辦事處通告展示或安排展示於法團註冊辦事處的顯眼處。(由 1993 年第 27 號第 12 條增補)
- (1B) 註冊辦事處通告或其副本的格式須為“..... 業主立案法團註冊辦事處”。(建築物說明)
(由 1993 年第 27 號第 12 條增補)
- (2) 法團展示或使用法團的中文名稱時，不論該名稱是第 (1)(a) 款所提述的註冊證書或修訂註冊證書 (視屬何情況而定) 所列名稱的音譯或意譯，該中文名稱均須加上“業主立案法團”的中文字樣。(由 1993 年第 27 號第 12 條修訂)
- (3) 如有違反本條規定，則管理委員會的每名委員均屬犯罪，一經定罪，可處罰款 \$50，但如能證明所犯罪行並未得其

- (5) A change of name of a corporation under this section shall not affect any rights or obligations of the corporation or render defective any legal proceedings by or against the corporation, and any legal proceedings which might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

[cf. 1948 c. 38 s. 18 U.K.]

11. Display of copy certificate of registration, etc.

- (1) The following documents, namely—
- (a) a copy of the certificate of registration issued under section 8(1), or a copy of the amended certificate of registration issued under section 10(4), as the case may be;
 - (b) in the case where the building is the registered office of the corporation, a notice of registered office in the form described in subsection (1B);
 - (c) in the case where the building is not the registered office of the corporation, a copy of that notice endorsed with the address of the registered office,
- shall be displayed by the management committee in a prominent place in the building. (Replaced 27 of 1993 s. 12)
- (1A) Where the building is not the registered office of the corporation, a notice of registered office in the form described in subsection (1B) shall be displayed or caused to be displayed by the management committee in a prominent place at the registered office of the corporation. (Added 27 of 1993 s. 12)
- (1B) The notice of registered office, or a copy thereof, shall be in the form “Registered Office of the Incorporated Owners of”. (Added 27 of 1993 s. 12)
(description of building)

同意或默許，且在顧及其委員職能的性質及所有情況下已盡其應盡的努力，以防止罪行的發生，則屬例外。（由 1993 年第 27 號第 42 條修訂）

- (2) A corporation which exhibits or uses any name of or for the corporation in Chinese characters, whether or not such name is a transliteration or translation of its name in its certificate of registration, or amended certificate of registration referred to in subsection (1)(a), as the case may be, shall append to such name so used in Chinese characters the Chinese characters “業主立案法團”. (Amended 27 of 1993 s. 12)
- (3) In the event of a contravention of this section, every member of the management committee shall be guilty of an offence and shall be liable on conviction to a fine of \$50 unless he proves that the offence was committed without his consent or connivance and that he exercised all such due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances. (Amended 27 of 1993 s. 42)

12. 土地註冊處處長備存法團登記冊

- (1) 土地註冊處處長須備存法團登記冊，並准許任何人在任何合理時間查閱登記冊，以在與建築物管理有關連的情況下確定根據第 (2) 款列入登記冊內的法團詳情。（由 2007 年第 5 號第 12 條修訂）
- (2) 土地註冊處處長須將每個法團的以下詳情列入法團登記冊內——
- (a) 法團名稱；
 - (b) 建築物名稱（如有的話）及地址；
 - (c) 法團註冊辦事處地址；
 - (d) 以下各人的姓名及地址——
 - (i) 管理委員會主席；
 - (ii) 管理委員會副主席（如有的話）；
 - (iii) 管理委員會秘書；

12. Land Registrar to maintain register of corporations

- (1) The Land Registrar shall maintain a register of corporations, and permit any person to inspect the register at any reasonable time to ascertain, in connection with the management of buildings, the particulars of a corporation entered in the register under subsection (2). (Amended 5 of 2007 s. 12)
- (2) The Land Registrar shall enter in the register the following particulars of each corporation—
- (a) the name of the corporation;
 - (b) the name (if any) and address of the building;
 - (c) the address of the registered office of the corporation;
 - (d) the name and address of—
 - (i) the chairman of the management committee;

- (iv) 管理委員會司庫；及
- (v) 屬管理委員會委員但不屬第 (i)、(ii)、(iii) 或 (iv) 節描述的任何其他人；(由 2007 年第 5 號第 12 條代替)
- (da) 法團根據第 28(1) 條與之訂立保險單的保險公司的名稱及地址，以及該保險單涵蓋的期間；(由 2007 年第 5 號第 12 條增補)
- (e) 管理人姓名及地址；
- (f) 根據第 34A(2)(a) 條他須列入登記冊內的清盤呈請書或清盤令(視屬何情況而定)的詳情。(由 1993 年第 27 號第 13 條增補)
- (3) 根據第 (2) 款登記的詳情，除該款 (e) 或 (f) 段所提述者外，如有任何變動，管理委員會秘書須在 28 天內，按土地註冊處處長指明的格式，通知土地註冊處處長。(由 1993 年第 27 號第 13 及 42 條修訂)
- (4) 如違反第 (3) 款的規定，管理委員會秘書即屬犯罪，一經定罪，可處以罰款，按違反規定的日數每天罰款 \$100。(由 1993 年第 27 號第 42 條修訂)
- (5) 任何人支付訂明的費用後，可——
 - (a) 查閱登記冊及本條例規定須呈交土地註冊處處長的任何文件；及
 - (b) 要求取得上述登記冊或文件的副本或摘要，並由土地註冊處處長親筆簽署核證。

(由 1993 年第 8 號第 3 條修訂)

- (ii) the vice-chairman (if any) of the management committee;
- (iii) the secretary of the management committee;
- (iv) the treasurer of the management committee; and
- (v) any other person who is a member of the management committee but does not fall within the description of subparagraph (i), (ii), (iii) or (iv); (Replaced 5 of 2007 s. 12)
- (da) the name and address of the insurance company with which the corporation has effected a policy of insurance under section 28(1) and the period covered by the policy of insurance; (Added 5 of 2007 s. 12)
- (e) the name and address of any administrator;
- (f) the particulars of any winding-up petition or winding-up order, as the case may be, required to be entered by him in the register under section 34A(2)(a). (Added 27 of 1993 s. 13)
- (3) The secretary of the management committee shall, within 28 days of the date of any change in the particulars registered under subsection (2), other than the particulars referred to in paragraph (e) or (f) of that subsection, give notice thereof to the Land Registrar in such form as the Land Registrar may specify. (Amended 27 of 1993 ss. 13 & 42)
- (4) In the event of a contravention of subsection (3), the secretary of the management committee shall be guilty of an offence and shall be liable on conviction to a fine of \$100 for each day during which the contravention continues. (Amended 27 of 1993 s. 42)
- (5) Upon payment of such fee as may be prescribed, any person may—

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13. 註冊證書的確證作用

就任何法團而根據第 8(1) 條發出的註冊證書或根據第 10(4) 條發出的修訂註冊證書 (視屬何情況而定), 即為該法團已根據本條例註冊成立為法團的確證。

(由 1993 年第 8 號第 3 條修訂; 由 1993 年第 27 號第 14 條修訂)

- (a) inspect the register and any document required to be submitted to the Land Registrar under this Ordinance; and
- (b) require a copy or extract of any such register or document to be made and certified under the hand of the Land Registrar.

(Amended 8 of 1993 s. 3)

13. Conclusiveness of certificate of registration

A certificate of registration issued under section 8(1), or an amended certificate of registration issued under section 10(4), as the case may be, in respect of a corporation shall be conclusive evidence that such corporation is incorporated under this Ordinance.

(Amended 8 of 1993 s. 3; 27 of 1993 s. 14)

第 IV 部

與法團有關的條文

14. 法團的一般權力

- (1) 除本條例另有規定外，法團會議可通過有關公用部分的控制、管理、行政事宜或有關該等公用部分的翻新、改善或裝飾的決議，而該決議對管理委員會和全部業主均具約束力。(由 1998 年第 12 號第 4 條修訂)
- (2) 在不損害第 (1) 款的概括性的原則下，法團可在會議上藉決議撤換管理委員會的任何委員(身為租客代表的委員除外)。(由 1993 年第 27 號第 15 條修訂)
- (3) 任何決議，如撤除管理委員會委員的人數過多，以至委員人數減至少於附表 2 第 1 段所規定的人數，即不得生效，但如在通過該決議的會議上，同時委任足夠的新委員，使委員人數達到規定之數，則不在此限。
- (4) 附表 2 第 6 段經必要的變通後，適用於法團根據第 (2) 款委任業主取代管理委員會委員，一如該段適用於法團委任業主填補管理委員會空缺。(由 2007 年第 5 號第 13 條增補)

15. 租客代表

Part IV

Provisions Relating to Corporations

14. Powers of corporation generally

- (1) Subject to this Ordinance, at a meeting of a corporation any resolution may be passed with respect to the control, management and administration of the common parts or the renovation, improvement or decoration of those parts and any such resolution shall be binding on the management committee and all the owners. *(Amended 12 of 1998 s. 4)*
- (2) Without prejudice to the generality of subsection (1), a corporation may by resolution at a meeting remove from office and replace any member (other than a member who is the tenants' representative) of the management committee. *(Amended 27 of 1993 s. 15)*
- (3) A resolution for the removal of so many members of the management committee as would reduce the number of members below the number required under paragraph 1 of Schedule 2 shall not have effect unless there is appointed, at the meeting at which such resolution is passed, a sufficient number of further members as will comply with such requirements. *(Amended 5 of 2007 s. 48)*
- (4) Paragraph 6 of Schedule 2 shall, with necessary modifications, apply for the purposes of appointing an owner to replace a member of the management committee by the corporation under subsection (2), as it applies for the purposes of appointing an owner to fill a vacancy in a management committee by the corporation. *(Added 5 of 2007 s. 13)*

15. Tenants' representative

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第 344 章第 IV 部
第 16 條

- (1) 認可組織的成員，可藉由親自投票或委派代表投票的成員以過半數票通過的決議，委任一名佔用人為租客代表，或將租客代表撤職。（由 2007 年第 5 號第 49 條修訂）
- (2) 在本條中，**認可組織** (approved association) 指一個組織，該組織——
- (a) 為代表建築物佔用人的權益而組成；及
- (b) 經主管當局或獲授權人員為本條的施行而認可。

*(由 1993 年第 27 號第 16 條代替)***16. 業主權利等由法團行使等**

建築物業主根據第 8 條成立為法團後，業主所具有的與建築物公用部分有關的權利、權力、特權、職責，須由法團而非業主行使及執行；而業主所負有的與建築物公用部分有關的法律責任，除本條例條文另有規定外，亦須針對法團而非針對業主執行；據此——

- (a) 關乎建築物公用部分的任何通知、命令及其他文件，均可按註冊辦事處送達法團；及
- (b) 有關建築物公用部分的任何在審裁處提起及進行的法律程序，可由法團提起及進行，或針對法團而提起及進行。（由 1993 年第 27 號第 42 條修訂）

17. 針對法團的判決等的執行

- (1) 如有針對法團作出的判決或發出的命令，執行判決或命令的法律程序，可——

Part IV
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- (1) The members of an approved association may, by a resolution passed by a majority of the votes of the members voting either personally or by proxy, appoint or remove from office an occupier as the tenants' representative. (*Amended 5 of 2007 s. 49*)
- (2) In this section **approved association** (認可組織) means an association—
- (a) formed to represent the interests of the occupiers; and
- (b) which has been approved for the purposes of this section by the Authority or an authorized officer.

*(Replaced 27 of 1993 s. 16)***16. Rights etc. of owners to be exercised etc. by corporation**

When the owners of a building have been incorporated under section 8, the rights, powers, privileges and duties of the owners in relation to the common parts of the building shall be exercised and performed by, and the liabilities of the owners in relation to the common parts of the building shall, subject to the provisions of this Ordinance, be enforceable against, the corporation to the exclusion of the owners, and accordingly—

- (a) any notice, order or other document which relates to any of the common parts of the building may be served upon the corporation at its registered office; and
- (b) any proceedings in the tribunal in respect of any of the common parts of the building may be brought and pursued by or against the corporation. (*Amended 27 of 1993 s. 42*)

17. Enforcement of judgments etc. against a corporation

- (1) If a judgment is given or an order is made against a corporation, execution to enforce the judgment or order may issue—

- (a) 針對法團的任何財產而提起；或
 - (b) 在審裁處許可下，針對任何業主而提起。
- (2) 申請第 (1)(b) 款所指的許可，須以傳票方式提出，而傳票須面交送達屬執行對象的業主。

(由 1993 年第 27 號第 42 條修訂)

18. 法團的職責及權力

- (1) 法團須——
- (a) 使公用部分和法團財產維持良好合用的狀況，並保持清潔；
 - (b) 在公職人員或公共機構行使任何條例所賦權力，命令或要求就公用部分進行某項工作時，遵照辦理；
 - (c) 採取一切合理必需的措施，以執行公契（如有的話）載明有關建築物的控制、管理、行政事宜的責任。
- (2) 法團可就下述事情行使其酌情決定權——
- (a) 僱用並付酬予員工，以達致與法團根據本條例或公契（如有的話）而有的權力或職責有關的任何目的；
(由 1993 年第 27 號第 17 條修訂)
 - (aa) 除管理委員會所決定的有關管理委員會及其小組委員會的出席會議條款及條件另有規定外，支付津貼予根據第 14(2) 條或附表 2 第 2(1)、5(2)、6 或 6A 段委任的管理委員會主席、副主席（如有的話）、秘書及司庫，津貼為法團藉業主大會的決議批准並按照但總計不超過附表 4 所指明的最高津貼者；
(由 1993 年第 27 號第 17 條增補)
 - (b) 聘請並付酬予會計師，以審計法團帳簿及擬備年度收支表和資產負債表；
 - (c) 聘請並付酬予經理人或其他專業機構、專業商號或專業人員，以由其代表法團執行法團根據本條例或

- (a) against any property of the corporation; or
 - (b) with leave of the tribunal, against any owner.
- (2) An application for leave under subsection (1)(b) shall be made by summons served personally upon the owner against whom execution is sought.

(Amended 27 of 1993 s. 42)

18. Duties and powers of corporation

- (1) The corporation shall—
- (a) maintain the common parts and the property of the corporation in a state of good and serviceable repair and clean condition;
 - (b) carry out such work as may be ordered or required in respect of the common parts by any public officer or public body in exercise of the powers conferred by any Ordinance;
 - (c) do all things reasonably necessary for the enforcement of the obligations contained in the deed of mutual covenant (if any) for the control, management and administration of the building.
- (2) A corporation may, in its discretion—
- (a) engage and remunerate staff for any purpose relating to the powers or duties of the corporation under this Ordinance or the deed of mutual covenant (if any);
(Amended 27 of 1993 s. 17)
 - (aa) subject to such terms and conditions as to attendance at meetings of a management committee and its sub-committees as the management committee may determine, pay the chairman, vice-chairman (if any), secretary and treasurer of the management committee appointed under section 14(2) or paragraph 2(1), 5(2),

公契(如有的話)而有的職責或權力；(由 1993 年第 27 號第 17 條修訂)

- (d) (由 2000 年第 69 號第 10 條廢除)
 - (e) 購買、租賃或以其他方式獲取動產，作為公用部分的設施，以供業主享用，或藉以符合公職人員或公共機構為施行任何條例而作出的規定；
 - (f) 在公用部分設置並保養草地、園圃及遊樂場；
 - (fa) 對公用部分進行任何翻新、改善或裝飾工程(視屬何情況而定)；(由 1998 年第 12 號第 5 條增補)
 - (g) 就業主有共同權益的任何其他事務，代業主行事。(由 1993 年第 27 號第 17 條修訂)
- (2A) 在不損害第 (1) 及 (2) 款的一般性的原則下，法團在根據本條履行其職責及行使其權力時，須顧及根據第 44(1) 條發出的工作守則並以該等守則為指引。(由 2000 年第 69 號第 10 條增補)
- (3) 為免生疑問，現宣布：任何管理委員會委員如同時擔任多於一個職位，他只有權就一個職位而收取第 (2)(aa) 款所指的津貼。(由 1993 年第 27 號第 17 條增補。由 2007 年第 5 號第 50 條修訂)
 - (4) 公契或其他協議的條文的實施，不妨礙有權收取第 (2)(aa) 款所指的津貼的管理委員會委員收取該津貼，而任何此等條文，包括看來是用以代替該津貼的較少津貼(不論名稱為何)的條文，亦屬作廢及無效。(由 1993 年第 27 號第 17 條增補)
- (由 2007 年第 5 號第 14 條修訂)

6 or 6A of Schedule 2 such allowances as may be approved by the corporation by resolution passed at a general meeting, in accordance with, but in aggregate not exceeding, the maximum allowances specified in Schedule 4; (Added 27 of 1993 s. 17. Amended 5 of 2007 s. 50)

- (b) retain and remunerate accountants for the purposes of auditing the corporation's books of accounts and preparing the annual income and expenditure accounts and balance sheets;
 - (c) retain and remunerate a manager or other professional trade or business firm or person to carry out on behalf of the corporation any of the duties or powers of the corporation under this Ordinance or the deed of mutual covenant (if any); (Amended 27 of 1993 s. 17)
 - (d) (Repealed 69 of 2000 s. 10)
 - (e) purchase, hire or otherwise acquire movable property for use by the owners in connexion with their enjoyment of the common parts or to satisfy any requirement of a public officer or public body for the purpose of any Ordinance;
 - (f) establish and maintain lawns, gardens and playgrounds on the common parts;
 - (fa) carry out any renovation, improvement or decoration work, as the case may be, to the common parts; (Added 12 of 1998 s. 5)
 - (g) act on behalf of the owners in respect of any other matter in which the owners have a common interest. (Amended 27 of 1993 s. 17)
- (2A) Without prejudice to the generality of subsections (1) and (2), the corporation in the performance of its duties and the exercise of its powers under this section shall have regard to

and be guided by Codes of Practice issued from time to time under section 44(1). (*Added 69 of 2000 s. 10*)

- (3) For the avoidance of doubt, it is declared that a member of a management committee shall not be entitled to receive an allowance under subsection (2)(aa) in respect of more than one office held by him at the same time. (*Added 27 of 1993 s. 17*)
- (4) No provision in a deed of mutual covenant or other agreement shall operate to prevent a member of a management committee who is entitled to receive an allowance under subsection (2)(aa) from receiving that allowance and any such provision, including a provision purporting to substitute some lesser allowance (howsoever named) for that allowance, shall be void and of no effect. (*Added 27 of 1993 s. 17*)

(Amended 5 of 2007 s. 14)

19. 某些情況下法團可將業主單位出售或作出押記註冊

- (1) 如公契規定，業主如沒有繳付公契所訂應付的任何款項，某人即可將該業主的土地權益出售，或於土地註冊處針對該業主的權益註冊一項押記，則儘管公契的條文有所規定，法團而非該人亦可循同樣方式，受同樣條件的限制，行使上述出售土地權益或註冊押記的權力，猶如法團乃公契所提述的人一樣。 (*由 1993 年第 8 號第 2 條修訂；由 1993 年第 27 號第 18 條修訂*)
- (2) 第 (1) 款所提述的“沒有繳付公契所訂應付的任何款項”，須解作包括及業主沒有繳付管理委員會有關其行使第 40(1)(a)(ii) 或 (b) 條所賦的權力而承付的費用。 (*由 1993 年第 27 號第 18 條增補*)

19. Corporation may sell or register charges against flat in certain circumstances

- (1) If a deed of mutual covenant provides that if an owner fails to pay any sum which is payable under the deed of mutual covenant, a person may sell that owner's interest in the land or register a charge against such interest in the Land Registry, then, notwithstanding the provisions of the deed of mutual covenant, the corporation may, to the exclusion of such person, exercise such power of sale or register such charge in the same manner and subject to the same conditions as if it were the person referred to in the deed of mutual covenant. (*Amended 8 of 1993 s. 2; 27 of 1993 s. 18*)
- (2) The reference in subsection (1) to “fails to pay any sum which is payable under the deed of mutual covenant” shall be construed to extend to the failure by an owner to pay the costs incurred by the management committee in connection

with the exercise by it of the powers conferred by section 40(1)(a)(ii) or (b). (*Added 27 of 1993 s. 18*)

20. 基金的設立

- (1) 法團須設立並維持一項常用基金——
 - (a) 以支付法團根據本條例或公契(如有的話)規定行使權力或執行職責的費用;及
 - (b) 以支付建築物作為一個整體所應付的地稅、保險費、各種稅項及其他支出(包括與保養及修理有關的支出)。(由 1993 年第 27 號第 19 條修訂)
- (2) 法團可設立並維持一項備用基金——
 - (a) 以供用作任何屬未有預計或緊急性質的開支;及
 - (b) 以便在根據第(1)款設立的基金不足以支付第(1)款所指明的各類支出時,用作付款。
- (3) 法團須開立和維持一個有利息的戶口,而只將該戶口用於建築物管理方面。(由 1993 年第 27 號第 19 條增補。由 2007 年第 5 號第 15 條修訂)
- (4) 除第(5)及(6)款另有規定外,法團須將其就建築物的管理而收得的一切款項,不延誤地存入根據第(3)款而開立和維持的戶口。(由 1993 年第 27 號第 19 條增補。由 2007 年第 5 號第 15 條修訂)
- (5) 除第(6)款另有規定外,管理委員會的司庫,可從法團就建築物的管理而收得的款項中,保留一筆合理款額或將該款額存入往來戶口,以應付小額雜項開支,但該款額不得超過管理委員會不時藉決議釐定之數。(由 1993 年第 27 號第 19 條增補)
- (6) 根據第(5)款保留的合理款項,或按照該款存入往來戶口的該筆款項,以及處理法團所收得款項的任何其他安排,均須受管理委員會藉決議批准的該等條件所規限。(由 1993 年第 27 號第 19 條增補)

20. Establishment of funds

- (1) A corporation shall establish and maintain a general fund—
 - (a) to defray the cost of the exercise of its powers and the performance of its duties under the deed of mutual covenant (if any) and this Ordinance; and
 - (b) to pay Government rent, premiums, taxes or other outgoings (including any outgoings in relation to any maintenance or repair work) which are payable in respect of the building as a whole. (*Amended 27 of 1993 s. 19; 29 of 1998 s. 105*)
- (2) A corporation may establish and maintain a contingency fund—
 - (a) to provide for any expenditure of an unexpected or urgent nature; and
 - (b) to meet any payments of the kind specified in subsection (1) if the fund established thereby is insufficient to meet them.
- (3) A corporation shall open and maintain an interest-bearing account and shall use that account exclusively in respect of the management of the building. (*Added 27 of 1993 s. 19. Amended 5 of 2007 s. 15*)
- (4) Subject to subsections (5) and (6), a corporation shall without delay pay all money received by the corporation in respect of the management of the building into the account opened and maintained under subsection (3). (*Added 27 of 1993 s. 19. Amended 5 of 2007 s. 15*)
- (5) Subject to subsection (6), the treasurer of a management committee may, out of money received by the corporation in

- (7) 本條中對任何戶口的提述，即為對符合以下說明的戶口的提述——
- (a) 在一家《銀行業條例》(第 155 章)第 2 條所指的銀行開立的；及
 - (b) 以有關法團名義開立的。(由 1995 年第 49 號第 53 條代替)

20A. 供應品、貨品及服務

- (1) 法團在根據公契(如有的話)或本條例行使權力或執行職務上所需的供應品、貨品或服務，其取得須符合與上述取得有關的工作守則所指明的標準及準則。
- (2) 除第 (2A) 款另有規定外，第 (1) 款所提述的任何供應品、貨品或服務，如其價值超過或相當可能超過——(由 2007 年第 5 號第 16 條修訂)
 - (a) \$200,000 或主管當局於憲報刊登公告指明用以取代前者的款額；或
 - (b) 相等於法團每年預算的 20% 或主管當局於憲報刊登公告指明用以取代前者的百分率的款額，

respect of the management of the building, retain or pay into a current account a reasonable amount to cover expenditure of a minor nature, but that amount shall not exceed such figure as is determined from time to time by a resolution of the management committee. (*Added 27 of 1993 s. 19*)

- (6) The retention of a reasonable amount of money under subsection (5) or the payment of that amount into a current account in accordance with that subsection and any other arrangement for dealing with money received by a corporation shall be subject to such conditions as may be approved by a resolution of the management committee. (*Added 27 of 1993 s. 19*)
- (7) Any reference in this section to an account is a reference to an account opened—
 - (a) with a bank within the meaning of section 2 of the Banking Ordinance (Cap. 155); and
 - (b) in the name of the corporation. (*Replaced 49 of 1995 s. 53*)

20A. Supplies, goods and services

- (1) The procurement of all supplies, goods or services required by a corporation in the exercise of its powers and the performance of its duties under the deed of mutual covenant (if any) or this Ordinance shall comply with such standards and guidelines as may be specified in a Code of Practice relating to such procurement.
- (2) Subject to subsection (2A), any supplies, goods or services referred to in subsection (1) the value of which exceeds or is likely to exceed— (*Amended 5 of 2007 s. 16*)
 - (a) the sum of \$200,000 or such other sum in substitution therefor as the Authority may specify by notice in the Gazette; or

- (兩者以其較小者為準)即須以招標承投方式取得。(由 2007 年第 5 號第 16 條修訂)
- (2A) 在以下情況下，第 (2) 款並不適用於任何若非因本款便須由法團以招標承投方式取得的供應品、貨品或服務(在本款中提述為**有關供應品、貨品或服務**)——
- (a) 有關供應品、貨品或服務與某供應商當其時提供予法團的某供應品、貨品或服務屬同一種類；及
 - (b) 法團藉在法團業主大會上通過的業主決議，決定須按該決議指明的條款及條件向該供應商取得有關供應品、貨品或服務，而非以招標承投方式取得。(由 2007 年第 5 號第 16 條增補)
- (2B) 如任何供應品、貨品或服務根據第 (2)(b) 款須以招標承投方式取得，為因此而提交的投標書是否獲採納，須取決於在法團業主大會上通過的業主決議。(由 2007 年第 5 號第 16 條增補)
- (3) (由 2007 年第 5 號第 16 條廢除)
 - (4) 法團所管有的與供應品、貨品或服務的取得有關的一切招標文件、合約文本、帳目及發票以及任何其他文件，均須由法團保存一段由法團決定但不少於 6 年的期間。
 - (5) 為取得任何供應品、貨品或服務而訂立的合約並不僅因不符合第 (1) 款而屬無效。(由 2007 年第 5 號第 16 條增補)
 - (6) 凡任何供應品、貨品或服務根據第 (2) 款須以招標承投方式取得，如為取得該等供應品、貨品或服務而訂立的合約不符合第 (2) 或 (2B) 款——
 - (a) 在不抵觸法團根據 (b) 段通過的任何決議或法庭根據第 (7) 款作出的任何命令的情況下，該合約並不僅因不符合第 (2) 或 (2B) 款而屬無效；
 - (b) 在不抵觸法庭根據第 (7) 款作出的任何命令的情況下，法團可因(並只可因)該合約不符合第 (2) 或 (2B) 款而藉在法團業主大會上通過的業主決議廢止該合約。(由 2007 年第 5 號第 16 條增補)

- (b) a sum which is equivalent to 20% of the annual budget of the corporation or such other percentage in substitution therefor as the Authority may specify by notice in the Gazette,
- whichever is the lesser, shall be procured by invitation to tender. (Amended 5 of 2007 s. 16)
- (2A) Subsection (2) does not apply to any supplies, goods or services which but for this subsection would be required to be procured by a corporation by invitation to tender (referred to in this subsection as **relevant supplies, goods or services**) if—
- (a) the relevant supplies, goods or services are of the same type as any supplies, goods or services which are for the time being supplied to the corporation by a supplier; and
 - (b) the corporation decides by a resolution of the owners passed at a general meeting of the corporation that the relevant supplies, goods or services shall be procured from that supplier on such terms and conditions as specified in the resolution, instead of by invitation to tender. (Added 5 of 2007 s. 16)
- (2B) Where any supplies, goods or services are required under subsection (2)(b) to be procured by invitation to tender, whether a tender submitted for the purpose is accepted or not shall be decided by a resolution of the owners passed at a general meeting of the corporation. (Added 5 of 2007 s. 16)
- (3) (Repealed 5 of 2007 s. 16)
 - (4) All tender documents, copies of contracts, accounts and invoices and any other documents in the possession of a corporation and relating to the procurement of supplies, goods and services shall be kept by the corporation for such period, being not less than 6 years, as the corporation may determine.

- (7) 在與為取得第 (2) 或 (2B) 款適用的任何供應品、貨品或服務而訂立的合約有關的法律程序中，法庭可在考慮有關個案的整體情況（包括但不限於以下因素）後，就合約各方的權利及法律責任作出法庭認為適當的命令（包括該合約是否屬無效或可使無效）或指示——
- (a) 該等供應品、貨品或服務是否以招標承投方式取得；
 - (b) 有沒有召開法團業主大會考慮取得該等供應品、貨品或服務一事；
 - (c) 有沒有遵守第 (1) 款提述的工作守則；
 - (d) 該合約是否從另一本應為取得價值較高的供應品、貨品或服務而訂立的合約中分拆出來，而分拆的唯一目的是規避遵守第 (2) 或 (2B) 款的規定；
 - (e) 該等供應品、貨品或服務是否急需；
 - (f) 與該等供應品、貨品或服務有關的任何活動或工程的進度；
 - (g) 業主有沒有從該合約中得到利益；
 - (h) 業主有沒有因該合約而招致任何經濟損失，及損失程度；
 - (i) 根據該合約提供供應品、貨品或服務的供應商是否以真誠行事；
 - (j) 根據該合約提供供應品、貨品或服務的供應商有沒有從該合約中得到利益；及
 - (k) 根據該合約提供供應品、貨品或服務的供應商有沒有因該合約而招致任何經濟損失，及損失程度。（由 2007 年第 5 號第 16 條增補）
- (8) 為施行第 (7) 款，如法庭作出命令，指有關合約可由有關法團決定為無效，則法庭亦須命令按法庭認為適當的方式召開和舉行法團業主大會，以決定是否廢止該合約。（由 2007 年第 5 號第 16 條增補）

- (5) A contract for the procurement of any supplies, goods or services shall not be void by reason only that it does not comply with subsection (1). (*Added 5 of 2007 s. 16*)
- (6) Where any supplies, goods or services are required under subsection (2) to be procured by invitation to tender, a contract for the procurement of the supplies, goods or services which does not comply with subsection (2) or (2B)—
- (a) subject to any resolution passed by the corporation under paragraph (b) or any order made by the court under subsection (7), shall not be void by reason only that it does not comply with subsection (2) or (2B);
 - (b) subject to any order made by the court under subsection (7), may be avoided by the corporation by a resolution of the owners passed at a general meeting of the corporation but only for the reason that it does not comply with subsection (2) or (2B). (*Added 5 of 2007 s. 16*)
- (7) In any legal proceedings in relation to a contract for the procurement of any supplies, goods or services to which subsection (2) or (2B) applies, the court may make such orders (including whether the contract is void or voidable) and give such directions in respect of the rights and obligations of the contractual parties as the court thinks fit having regard to all the circumstances of the case, including (but not limited to) the following factors—
- (a) whether the supplies, goods or services have been procured by invitation to tender;
 - (b) whether a general meeting of the corporation has been convened to consider the procurement of the supplies, goods or services;
 - (c) whether the Code of Practice referred to in subsection (1) has been complied with;

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- (9) 為免生疑問，除第 29A 條另有規定外，任何人在第 (2) 款或 (如適用的話) 第 (2B) 款不獲遵守的情況下，為取得任何供應品、貨品或服務而訂立合約，可能須就該合約引致的任何申索負上個人法律責任。(由 2007 年第 5 號第 16 條增補)

(由 1993 年第 27 號第 20 條增補)

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- (d) whether the contract has been split, for the sole purpose of avoiding the compliance of the requirements in subsection (2) or (2B), from a contract which should have been made for the procurement of supplies, goods or services of greater value;
- (e) whether the supplies, goods or services were urgently required;
- (f) the progress of any activities or works in relation to the supplies, goods or services;
- (g) whether the owners have benefited from the contract;
- (h) whether the owners have incurred any financial loss due to the contract and the extent thereof;
- (i) whether the supplier of the supplies, goods or services under the contract has acted in good faith;
- (j) whether the supplier of the supplies, goods or services under the contract has benefited from the contract; and
- (k) whether the supplier of the supplies, goods or services under the contract has incurred any financial loss due to the contract and the extent thereof. (*Added 5 of 2007 s. 16*)
- (8) For the purposes of subsection (7), where the court makes an order that the contract is voidable at the instance of the corporation, it shall also make an order that a general meeting of the corporation be convened and held in such manner as the court thinks fit, so as to decide whether the contract is to be avoided. (*Added 5 of 2007 s. 16*)
- (9) For the avoidance of doubt, subject to section 29A, any person who enters into a contract for the procurement of any supplies, goods or services otherwise than in compliance with subsection (2) or, if applicable, subsection (2B) may be

21. 基金的繳款

- (1) 除第 (4) 款另有規定外，管理委員會須釐定業主就某段期間須向根據第 20 條設立並維持的基金繳付的款額——
- (a) 如該段期間為法團註冊日期後第一段期間，則不得超過 15 個月；及
- (b) 如屬任何其他情況，該段期間不得超過 12 個月，而期間長短則由管理委員會訂定。(由 1993 年第 27 號第 21 條代替)
- (1A) 除第 (3) 款另有規定外，管理委員會在根據第 (1) 款釐定第一個款額後再根據該款釐定的任何款額 (**其後的款額** (subsequent amount))，均不得超過相當於根據該款釐定的前一款額的 150% 之數，除非該其後的款額由法團藉業主大會通過的決議批准。(由 1993 年第 27 號第 21 條增補)
- (2) 除第 14(1) 條及本條第 (3) 款另有規定外，管理委員會不得增加按照第 (1) 款釐定的款額。(由 1993 年第 27 號第 42 條修訂)
- (3) 在根據第 20 條設立並維持的基金不足以支付法團就遵從以下各項而須付的費用時，管理委員會可增加業主所需繳付的款額——
- (a) 審裁處的命令；或 (由 1993 年第 27 號第 42 條修訂)
- (b) 與公用部分有關而由公職人員或公共機構根據任何條例送達法團的通知、命令或其他文件。
- (4) 對於根據第 (1) 款行將釐定的款額，管理委員會為此等釐定而作的預算的擬備，以及就此等預算的任何文件而作的副本的提供，附表 5 均具效力。(由 1993 年第 27 號第 21 條增補。由 2007 年第 5 號第 51 條修訂)

personally liable for any claims arising from the contract.
(Added 5 of 2007 s. 16)

(Added 27 of 1993 s. 20)

21. Contributions to funds

- (1) Subject to subsection (4), a management committee shall determine the amount to be contributed by the owners to the funds established and maintained under section 20 during such period—
- (a) in the case of the first such period after the date of registration of the corporation, not exceeding 15 months; and
- (b) in any other case, not exceeding 12 months, as the management committee may determine. (Replaced 27 of 1993 s. 21)
- (1A) Subject to subsection (3), any amount (**subsequent amount** (其後的款額)) determined by a management committee under subsection (1) after the first such amount (so determined under that subsection) shall not exceed a sum equivalent to 150% of the preceding amount (so determined under that subsection) unless that subsequent amount is approved by the corporation by a resolution passed at a general meeting. (Added 27 of 1993 s. 21)
- (2) Subject to section 14(1) and to subsection (3), a management committee shall not increase the amount determined in accordance with subsection (1). (Amended 27 of 1993 s. 42)
- (3) A management committee may increase the amount required to be contributed by the owners to the extent to which the funds established and maintained under section 20 are insufficient to meet any payment due by the corporation in respect of the cost of complying with—

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- (5) 如本條 (須解釋為包括附表 5) 與公契或任何其他協議的條款有不一致之處，即以本條為準。 (由 1993 年第 27 號第 21 條增補)

22. 業主繳款的追討

- (1) 就根據第 21 條釐定的款額而言，業主所需繳付的款額，須——
- 由管理委員會按照公契 (如有的話) 確定；
 - 依管理委員會訂定的時間及方式繳付。 (由 1993 年第 27 號第 22 條修訂)
- (2) 如無公契，或公契並無確定繳款的規定，則每名業主就根據第 21 條釐定的款額而需繳付的款額，須由管理委員會按照業主各自所佔的份數確定。
- (3) 業主根據本條應付的款額，由應付之時起即屬該業主欠法團的項。
- (4) 由管理委員會主席簽署，述明業主根據本條應付的款額及應付款日期的證明書，在任何法律程序中須接受為證明書上所述事實的表面證據，而無須再加證明。

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- an order of the tribunal; or (*Amended 27 of 1993 s. 42*)
 - any notice, order or other document served upon the corporation in relation to the common parts by a public officer or public body under any Ordinance.
- (4) Schedule 5 shall have effect with respect to the amount to be determined under subsection (1), the preparation of budgets by the management committee for such determinations and the supply of copies of any documents in respect of those budgets. (*Added 27 of 1993 s. 21. Amended 5 of 2007 s. 51*)
- (5) In the event of any inconsistency between this section (which shall be construed to include Schedule 5) and the terms of a deed of mutual covenant or any other agreement, this section shall prevail. (*Added 27 of 1993 s. 21. Amended 5 of 2007 s. 51*)

22. Recovery of contributions from owners

- (1) The amount to be contributed by an owner towards the amount determined under section 21 shall be—
- fixed by the management committee in accordance with the deed of mutual covenant (if any);
 - payable at such times and in such manner as the management committee may determine. (*Amended 27 of 1993 s. 22*)
- (2) If there is no deed of mutual covenant, or if the deed of mutual covenant does not provide for the fixing of contributions, the amount to be contributed by an owner towards the amount determined under section 21 shall be fixed by the management committee in accordance with the respective shares of the owners.
- (3) The amount payable by an owner under this section shall be a debt due from him to the corporation at the time when it is payable.

23. 佔用人向基金繳款的法律責任

- (1) 如根據第 22 條業主應付的任何款額到期應付給法團一個月後仍未繳付，而該業主並無佔用有關建築物的單位，則法團可將一份致送單位佔用人的書面通知，面交送達或以掛號郵遞送達該單位佔用人，向其追收該款額，而無損於任何針對該業主進行訴訟的權利；如此，該單位佔用人隨即負有向法團繳付該款額的法律責任，但以第 (2) 款所述為限。
- (2) 儘管第 (1) 款有所規定，單位的佔用人支付根據第 (1) 款規定向他追收的款額的法律責任，以佔用人就其佔用該單位而於追收通知書送達當日期到期應付或其後到期應付的租金或其他費用（不包括差餉）的款額為限。
- (3) 在法團追收根據第 (1) 款規定應付的款額的任何法律程序中，須推定所申索的款額不超過佔用人於該等法律程序開始進行時到期應付的租金或其他費用（不包括差餉）的款額，直至相反證明成立為止。
- (4) 如單位的佔用人按照本條付訖有關款額，則——
 - (a) 佔用人可將該款額從因其佔用單位而到期應付的租金或其他費用中扣除，但以不違反佔用條件為限；而
 - (b) 獲付已扣除該款額的租金或其他費用的人，如非業主本人，亦可仿照佔用人的方式，從其到期應付的有關單位的租金或其他費用中將該款額扣除。
- (5) 佔用人或其他人根據第 (4) 款扣除款額後，扣除之數即可用以解除其須繳交同等款額的租金或其他費用的法律責任。

- (4) A certificate in writing signed by the chairman of the management committee stating the amount to be contributed under this section by an owner and when it is payable shall be admissible in evidence in any proceedings as prima facie evidence of the facts stated therein without further proof.

23. Liability of occupier to pay contributions to funds

- (1) If any amount payable under section 22 by an owner who is not occupying a flat in the building concerned remains unpaid for a period of one month after it has become due to the corporation, the corporation may, without prejudice to any right of action against the owner, by notice in writing addressed to the occupier of the flat and served upon him either personally or by registered post, demand such amount from the occupier, who shall, subject to subsection (2), thereupon be liable to pay the same to the corporation.
- (2) Notwithstanding subsection (1), the liability of the occupier of a flat to pay an amount demanded from him under subsection (1) shall extend only to such amount of rent or other charge (exclusive of rates) as is due at the time of service on him of the demand, or falls due subsequently from him, in respect of his occupation of the flat.
- (3) In any proceedings by a corporation to recover an amount payable under subsection (1), it shall be presumed, until the contrary is proved, that the amount claimed does not exceed the amount of rent or other charge (exclusive of rates) due from the occupier at the time of commencement of such proceedings.
- (4) If an occupier of a flat has paid an amount in accordance with this section—
 - (a) that amount may, subject to the terms on which he occupies the flat, be deducted by him from the rent or

24. 扣押動產以償付繳款

- (1) 除本條條文另有規定外，《業主與租客（綜合）條例》（第 7 章）第 III 部適用於根據第 22 或 23 條應付的款額，猶如法團乃單位的業主，而該款額乃應付給法團的租金一樣。
- (2) 法團可將單位的“佔用人”(the person in occupation of) 作為根據本條扣押動產的被告人，而申請書、手令均無須指明單位佔用人的名稱。

25. 已登記承按人可代付繳款及向業主追討該繳款

如業主並無在第 22 條規定應付的款額到期後一個月內支付，而由並無付款業主的單位的已登記承按人代業主支付該款額，則已登記承按人可向業主追討代付款額，猶如該代付款額已成為根據該單位的已登記按揭業主到期應付的本金的一部分一樣。

other charge due in respect of his occupation of the flat; and

- (b) any person, not being the owner, to whom such rent or other charge has been paid subject to such deduction, may in like manner as the occupier deduct such amount from the rent or other charge due from him in respect of the flat.
- (5) Any deduction by an occupier or other person under subsection (4) shall operate as a discharge, to the extent of the amount so deducted, of his liability for the rent or other charge.

24. Distress for contributions

- (1) Subject to the provisions of this section, Part III of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) shall apply to an amount payable under section 22 or 23 as if the amount were rent payable to the corporation as landlord of the owner's flat.
- (2) A corporation may name as the defendant in any distress under this section "the person in occupation of" (佔用人) a flat, without specifying in the application or in the warrant the name of any person in occupation of the flat.

25. Registered mortgagee may pay contribution and recover same from the owner

If an owner fails to pay any amount payable under section 22 within one month of the same becoming due and a registered mortgagee of the flat in respect of which the owner is in default has paid such amount on the owner's behalf, such payment shall be recoverable by the registered mortgagee from the owner as if the amount of such payment formed part of the principal sum due under the registered mortgage of the flat.

26. 管理委員會核證基金繳款的有關事項

在業主、已登記承按人、佔用人、第 23(4)(b) 條所提述的其他人，或獲此等業主、已登記承按人、佔用人、其他人就此以書面授權的人申請下，管理委員會須核證——（由 1993 年第 27 號第 42 條修訂）

- (a) 按照第 22 條業主應付的款額；
- (b) 應付款額的已繳數額；及
- (c) 付款人名稱及代何人付款。

26A. 管理委員會展示有關法律程序的資料

凡法團屬任何法律程序的一方，管理委員會須藉以下方式，將該法律程序通知業主——

- (a) （如該法律程序是對法團提起的）在收到開展該法律程序的任何法院文件後的 7 天內，在建築物的顯眼處展示載有該法律程序的詳情的通知，並致使該通知保持如此展示至少連續 7 天；
- (b) （如該法律程序由法團提起）在發出開展該法律程序的任何法院文件後的 7 天內，在建築物的顯眼處展示載有該法律程序的詳情的通知，並致使該通知保持如此展示至少連續 7 天。

（由 2007 年第 5 號第 17 條增補）

26. Management committee to certify matters relating to payment of contributions

A management committee shall, on the application of an owner, a registered mortgagee, an occupier, such other person as is referred to in section 23(4)(b) or a person authorized in writing in that behalf by such owner, registered mortgagee, occupier or other person, certify— (*Amended 27 of 1993 s. 42*)

- (a) the amount payable in accordance with section 22 by the owner;
- (b) the extent to which such sum has been paid; and
- (c) the name of the person by whom and the person on whose behalf such payment was made.

26A. Management committee to display information about legal proceedings

A management committee shall notify the owners of any legal proceedings to which the corporation is a party—

- (a) in the case of proceedings against the corporation, by displaying a notice containing the particulars of the proceedings in a prominent place in the building within 7 days of receiving any court documents commencing the proceedings, and causing the notice to remain so displayed for at least 7 consecutive days;
- (b) in the case of proceedings by the corporation, by displaying a notice containing the particulars of the proceedings in a prominent place in the building within 7 days of issuing any court documents commencing the proceedings, and causing the notice to remain so displayed for at least 7 consecutive days.

(*Added 5 of 2007 s. 17*)

27. 法團帳目

- (1) 除第 (3) 款另有規定外，管理委員會須備存恰當的帳簿或帳項紀錄及其他財務紀錄，並在法團註冊日期起計最遲 15 個月內及其後每 12 個月擬備財務報表，該報表——(由 2007 年第 5 號第 18 條修訂)
- (a) 須由以下的人簽署——
- (i) 管理委員會主席；及
- (ii) 管理委員會秘書或司庫；
- (b) (如第 (1A) 款適用的話) 須根據第 (1A) 款審計；及
- (c) 須連同根據第 (1A) 款作出的會計師報告(如有的話)，在按照附表 3 第 1(1) 段召開的法團業主周年大會上提交法團省覽。(由 1993 年第 27 號第 23 條代替。由 2007 年第 5 號第 18 條修訂)
- (1AA) 第 (1) 款提述的財務報表須包括——
- (a) 收支表，而該表須真實而中肯地反映該法團在該表所關乎的期間內的財務往來；及
- (b) 資產負債表，而該表須真實而中肯地反映該法團在收支表的結算日期當日的財務狀況。(由 2007 年第 5 號第 18 條增補)
- (1A) 除非法團是就不多於 50 個單位的建築物而成立的，否則為某期間擬備的第 (1) 款所提述的財務報表，須由法團聘請並藉業主大會通過的決議所批准的會計師審計，該會計師須作出報告，說明他認為該財務報表是否妥為擬備，以真實而中肯地反映該法團在收支表所關乎的期間內的財務往來及該法團在收支表的結算日期當日的財務狀況，而他可附加他認為適當的附帶聲明(如有的話)。(由 2000 年第 69 號第 11 條代替。由 2007 年第 5 號第 18 及 52 條修訂)
- (1B) 在第 (1A) 款中，**單位 (flats)** 並非指車房、停車場或汽車間。(由 2000 年第 69 號第 11 條增補)

27. Accounts of corporation

- (1) Subject to subsection (3), a management committee shall maintain proper books or records of account and other financial records and shall prepare, not later than 15 months after the date of the registration of the corporation and thereafter every 12 months, financial statements which—(Amended 5 of 2007 s. 18)
- (a) shall be signed by—
- (i) the chairman of the management committee; and
- (ii) the secretary or the treasurer of the management committee;
- (b) if subsection (1A) is applicable, shall be audited under that subsection; and
- (c) together with the accountant's report made under subsection (1A), if any, shall be laid before the corporation at the annual general meeting of the corporation convened in accordance with paragraph 1(1) of Schedule 3. (Replaced 27 of 1993 s. 23. Amended 5 of 2007 s. 18)
- (1AA) The financial statements referred to in subsection (1) shall include—
- (a) an income and expenditure account which gives a true and fair view of the financial transactions of the corporation for the period to which it relates; and
- (b) a balance sheet which gives a true and fair view of the financial position of the corporation as at the date to which the income and expenditure account is made up. (Added 5 of 2007 s. 18)
- (1A) Except in the case of a corporation incorporated in respect of a building which contains not more than 50 flats, the financial

- (2) 管理委員會須准許主管當局、獲授權人員、租客代表、業主、已登記承按人或獲業主、已登記承按人就此以書面授權的人在任何合理時間內查閱帳簿。(由 1993 年第 27 號第 23 條修訂)
- (3) 如有違反第 (1) 款的規定，管理委員會的每一委員均屬犯罪，一經定罪，可處第 5 級罰款，除非其證明——(由 1993 年第 27 號第 42 條修訂；由 2000 年第 69 號第 11 條修訂)
- (a) 犯罪未獲其同意或默許，且
- (b) 在該情況下已盡其應盡的努力，以防止罪行的發生。
- (4) 對於恰當帳簿或帳項紀錄或其他紀錄的備存(包括此等帳目及紀錄的保存)，此等帳目及紀錄所提述的文件的查閱，收支概算表的擬備，以及任何有關此等帳目及概要的文件的副本的提供，附表 6 均具效力。(由 1993 年第 27 號第 23 條增補。由 2007 年第 5 號第 18 及 52 條修訂)
- (5) 如本條(須解釋為包括附表 6)與公契或任何其他協議的條款有不一致之處，即以本條為準。(由 1993 年第 27 號第 23 條增補)

statements referred to in subsection (1) shall be audited by an accountant retained by the corporation as may be approved by the corporation by a resolution passed at a general meeting and that accountant shall report as to whether such financial statements are, in his opinion, properly prepared so as to give a true and fair view of the financial transactions of the corporation for the period to which the income and expenditure account relates and the financial position of the corporation as at the date to which the income and expenditure account is made up, subject to such qualification, if any, as he may think fit. (*Replaced 69 of 2000 s. 11. Amended 5 of 2007 s. 18*)

- (1B) In subsection (1A), **flats** (單位) does not mean any garage, carpark or carport. (*Added 69 of 2000 s. 11*)
- (2) The management committee shall permit the Authority, an authorized officer, the tenants' representative, an owner, a registered mortgagee or any person authorized in writing in that behalf by an owner or registered mortgagee to inspect the books of account at any reasonable time. (*Amended 27 of 1993 s. 23*)
- (3) In the event of a contravention of subsection (1), every member of the management committee shall be guilty of an offence and shall be liable on conviction to a fine at level 5 unless he proves— (*Amended 27 of 1993 s. 42; 69 of 2000 s. 11*)
- (a) that the offence was committed without his consent or connivance; and
- (b) that he exercised all such due diligence to prevent the commission of the offence as he ought to have exercised in the circumstances.
- (4) Schedule 6 shall have effect with respect to the maintenance of proper books or records of account and other records

28. 有關保險的事宜*(由 2007 年第 5 號第 37 條修訂)*

- (1) 法團須就有關建築物的公用部分及該法團的財產與保險公司訂立符合為本條的施行而訂明的規定的第三者風險保險單，並須保持該保險單有效。
- (2) 如第 (1) 款遭違反，管理委員會的每名委員即屬犯罪，一經定罪，可處第 5 級罰款，但如他證明——
 - (a) 該罪行既非在他同意亦非在他縱容下犯的；及
 - (b) 他已盡了在有關情況下應盡的一切努力以防止犯該罪行，
 即可以此作為免責辯護。
- (3) 法團可為有關建築物的公用部分及該法團的財產向保險公司投購火險及其他保險，並保持各項保險有效，保額則以能使該等公用部分及財產恢復原狀所需款額為準。
- (4) 凡法團已根據本條與保險公司訂立任何保險單，管理委員會須准許主管當局、獲授權人員、租客代表、佔用人、業主、已登記承按人或獲佔用人、業主或已登記承按人就此以書面妥為授權的人，在任何合理時間查閱該保險單及就該保險單而支付的保費的收據。

(including the keeping of such accounts and records), the inspection of any documents referred to in such accounts and records, the preparation of summaries of income and expenditure and the supply of copies of any documents in respect of those accounts and summaries. *(Added 27 of 1993 s. 23. Amended 5 of 2007 ss. 18 & 52)*

- (5) In the event of any inconsistency between this section (which shall be construed to include Schedule 6) and the terms of a deed of mutual covenant or any other agreement, this section shall prevail. *(Added 27 of 1993 s. 23. Amended 5 of 2007 s. 52)*

28. Matters regarding insurance*(Amended 5 of 2007 s. 37)*

- (1) A corporation shall procure and keep in force in relation to the common parts of the building and the property of the corporation, such policy of insurance with an insurance company in respect of third party risks as complies with any requirement prescribed for the purposes of this section.
- (2) In the event of a contravention of subsection (1), every member of the management committee shall be guilty of an offence and shall be liable on conviction to a fine at level 5 unless he proves—
 - (a) that the offence was committed without his consent or connivance; and
 - (b) that he exercised all such due diligence to prevent the commission of the offence as he ought to have exercised in the circumstances.
- (3) A corporation may insure and keep insured with an insurance company the common parts of the building and the property of the corporation to the reinstatement value thereof against fire and other risks.

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- (5) 凡第 (4) 款所提述的人 (主管當局及獲授權人員除外) 要求法團向其提供保險單及就該保險單而支付的保費的收據的副本，則管理委員會司庫在管理委員會所釐定的合理的複印費支付後，須向該人提供該等副本。
- (6) 主管當局或獲授權人員如要求法團向其提供第 (5) 款所提述的副本，則管理委員會司庫須免費向其提供該等副本。
- (6A) 管理委員會秘書須在法團根據第 (1) 款訂立保險單後的 28 天內，按土地註冊處處長指明的格式，將保險公司的名稱及地址以及該保險單涵蓋的期間，通知土地註冊處處長。(由 2007 年第 5 號第 37 條增補)
- (7) 在本條及第 41 條中，**保險公司** (insurance company) ——
- (a) 指根據《保險業條例》(第 41 章) (第 41 章) 第 8 條獲授權經營保險業務的保險人；亦指根據下述條文當作如此獲授權經營保險業務的保險人：在緊接《2015 年保險公司 (修訂) 條例》(2015 年第 12 號) 第 10 條的生效日期 * 之前有效，並因第 41 章附表 11 第 2(7) 條的施行而具有持續效力的第 41 章第 61(1) 或 (2) 條；(由 2015 年第 12 號第 114 條代替)
- (b) 指在英國稱為 Lloyd's 的承保人組織；及
- (c) 指保險業監管局認可的承保人組織。(由 2015 年第 12 號第 114 條修訂)
- (由 2000 年第 69 號第 12 條代替。由 2007 年第 5 號第 37 條修訂)

編輯附註：

* 生效日期：2017 年 6 月 26 日。

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- (4) Where a corporation has effected any policy of insurance with an insurance company by virtue of this section the management committee shall permit the Authority, an authorized officer, the tenants' representative, an occupier, an owner, a registered mortgagee or any person duly authorized in writing in that behalf by an occupier, an owner or registered mortgagee, to inspect the policy of insurance and any receipt for the premium in respect thereof at any reasonable time.
- (5) Where any person (other than the Authority or an authorized officer) referred to in subsection (4) requests the corporation to supply him with copies of the policy of insurance and any receipt for the premium in respect of that policy, the treasurer of the management committee shall, on the payment of such reasonable copying charge as the management committee may determine, supply such copies to that person.
- (6) The treasurer of the management committee shall, if requested by the Authority or an authorized officer and without raising any charge, supply the copies referred to in subsection (5) to the Authority or that officer.
- (6A) The secretary of the management committee shall, within 28 days after the corporation has effected a policy of insurance under subsection (1), give notice of the name and address of the insurance company and the period covered by the policy of insurance to the Land Registrar in such form as the Land Registrar may specify. (Added 5 of 2007 s. 37)
- (7) In this section and in section 41, **insurance company** (保險公司) ——
- (a) means an insurer authorized under section 8 of the Insurance Ordinance (Cap. 41) (**Cap. 41**), or deemed to be so authorized under section 61(1) or (2) of Cap. 41 as in force immediately before the commencement date* of section 10 of the Insurance Companies (Amendment)

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第 29 條Part IV
Section 294-40
Cap. 344**29. 管理委員會執行法團職責並行使法團權力**

除本條例另有規定外，本條例授予法團的權力及委以的職責，須由管理委員會代表法團行使及執行。

29A. 對管理委員會委員的保障

- (1) 管理委員會委員如真誠地及以合理方式行事，則無須為法團或代表法團的任何人——
 - (a) 在行使或本意是行使本條例授予法團的權力時；或
 - (b) 在執行或本意是執行本條例委以法團的職責時，所作出的作為或造成的錯失，承擔個人法律責任。
- (2) 第 (1) 款授予管理委員會委員的保障，不影響法團須為有關作為或錯失而承擔的法律責任。

Ordinance 2015 (12 of 2015) having continuing effect by the operation of section 2(7) of Schedule 11 to Cap. 41, to carry on insurance business; (*Replaced 12 of 2015 s. 114*)

- (b) means the society of underwriters known in the United Kingdom as Lloyd's; and
- (c) means an association of underwriters approved by the Insurance Authority.

(*Replaced 69 of 2000 s. 12. Amended 5 of 2007 s. 37*)

Editorial Note:

* Commencement date: 26 June 2017.

29. Management committee to perform duties and exercise powers of corporation

Subject to this Ordinance, the powers and duties conferred or imposed by this Ordinance on a corporation shall be exercised and performed on behalf of the corporation by the management committee.

29A. Protection of members of management committee

- (1) No member of a management committee, acting in good faith and in a reasonable manner, shall be personally liable for any act done or default made by or on behalf of the corporation—
 - (a) in the exercise or purported exercise of the powers conferred by this Ordinance on the corporation; or
 - (b) in the performance or purported performance of the duties imposed by this Ordinance on the corporation.
- (2) The protection conferred by subsection (1) on a member of a management committee shall not in any way affect the liability of the corporation for that act or default.

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(由 2007 年第 5 號第 19 條增補)

(Added 5 of 2007 s. 19)

第 V 部**管理委員會的解散及管理人的委任****30. 管理委員會的解散及管理人的委任**

- (1) 除本條另有規定外，出席根據附表 3 第 1 段召開的法團會議的業主，可委任一名管理人，然後議決解散管理委員會。
 - (2) 根據第 (1) 款作出的決議，其決議書一份必須由通過決議的會議的主席簽署核證正確，並在會議日期後 14 天內送交土地註冊處處長，否則不能生效。
 - (3) 管理人由第 (1) 款所指決議的核證副本送交土地註冊處處長當日起擔任管理人職位，直至以下情況出現為止——
 - (a) 出席根據附表 3 第 1 段召開的法團會議的業主——(由 2007 年第 5 號第 54 條修訂)
 - (i) 委任另一管理人；或
 - (ii) 委出新管理委員會；或 (由 2007 年第 5 號第 54 條修訂)
 - (b) 審裁處根據第 31 條委任一名管理人。
- (由 1993 年第 8 號第 3 條修訂；由 1993 年第 27 號第 42 條修訂)

31. 由審裁處委任管理人

- (1) 審裁處可在——

Part V**Dissolution of Management Committee and Appointment of Administrator****30. Dissolution of management committee and appointment of administrator**

- (1) Subject to this section, the owners present at a meeting of the corporation convened under paragraph 1 of Schedule 3 may appoint an administrator and thereafter resolve that the management committee be dissolved. (*Amended 5 of 2007 s. 54*)
 - (2) A resolution under subsection (1) shall have no effect until a copy thereof, certified as correct by the chairman of the meeting at which the resolution was passed, is lodged with the Land Registrar within 14 days after the date of the meeting.
 - (3) An administrator shall hold office from the date upon which a certified copy of the resolution referred to in subsection (1) is lodged with the Land Registrar until—
 - (a) the owners present at a meeting of the corporation convened under paragraph 1 of Schedule 3 appoint— (*Amended 5 of 2007 s. 54*)
 - (i) another administrator; or
 - (ii) a new management committee; or
 - (b) the tribunal appoints an administrator under section 31.
- (*Amended 8 of 1993 s. 3; 27 of 1993 s. 42*)

31. Appointment of administrator by the tribunal

- (1) The tribunal may, upon application made to it by—

- (a) 業主；
- (b) 已登記承按人(如有的話)；
- (c) 管理人；或
- (d) 主管當局或獲授權人員，(由 1993 年第 27 號第 25 條代替)

向其提出申請下，解散管理委員會並委任一名管理人，或撤換管理人，視屬何情況而定。

- (2) 審裁處可指示根據第(1)款委任的管理人，按審裁處認為適當的關乎報酬或其他方面的條款及條件擔任管理人職位，為期一段無限定或有限定的期間，而管理人的報酬及開支，須當作為根據本條例管理建築物的開支的一部分。

(由 1993 年第 27 號第 42 條修訂)

32. 管理人的權力及職責

- (1) 管理人須有管理委員會及其主席、秘書及司庫的全部權力及職責。(由 1993 年第 27 號第 26 條修訂)
- (2) 管理人須在其委任或其委任終止之日起 7 天內，以土地註冊處處長指明的格式將該項委任或委任終止通知土地註冊處處長。(由 1993 年第 8 號第 3 條修訂；由 1998 年第 12 號第 6 條修訂)
- (3) 任何人違反第(2)款的規定，即屬犯罪，一經定罪，可處以罰款，按違反規定的日數每天罰款 \$100。

(由 1993 年第 27 號第 42 條修訂)

- (a) an owner;
- (b) a registered mortgagee (if any);
- (c) an administrator; or
- (d) the Authority or an authorized officer, (*Replaced 27 of 1993 s. 25*)

dissolve the management committee and appoint an administrator, or remove and replace an administrator, as the case may be.

- (2) The tribunal may direct that an administrator appointed under subsection (1) shall hold office for an indefinite period or for a fixed period on such terms and conditions as to remuneration or otherwise as it thinks fit, and the remuneration and expenses of the administrator shall be deemed to be part of the expenses of management of the building under this Ordinance.

(Amended 27 of 1993 s. 42)

32. Powers and duties of an administrator

- (1) An administrator shall have all the powers and duties of a management committee and of the chairman, secretary and treasurer thereof. (*Amended 27 of 1993 s. 26*)
- (2) An administrator shall, within 7 days of the date of his appointment or the termination of his appointment, give notice thereof to the Land Registrar in such form as the Land Registrar may specify. (*Amended 8 of 1993 s. 3; 5 of 2007 s. 55*)
- (3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$100 for each day during which the contravention continues.

(Amended 27 of 1993 s. 42)

第 VI 部

法團的清盤

33. 法團的清盤

- (1) 法團可根據《公司(清盤及雜項條文)條例》(第 32 章)第 X 部的條文清盤，猶如其乃該條例所指的非註冊公司一樣，而該條例與非註冊公司清盤有關的條文，只要適合，即適用於法團的清盤。(由 2012 年第 28 號第 912 及 920 條修訂)
- (2) 根據第(1)款應用《公司(清盤及雜項條文)條例》(第 32 章)的條文時——(由 2012 年第 28 號第 912 及 920 條修訂)
 - (a) 提述公司董事時即當作為提述管理委員會委員；及
 - (b) 提述公司成員時即當作為提述業主。

34. 清盤時業主的法律責任

法團根據第 33 條清盤時，業主須負共同及各別的法律責任，各按其擁有的份數出資，使法團資產的數額足以清償其債項及債務。

(由 1993 年第 27 號第 27 條修訂)

34A. 清盤呈請書及清盤令須註於註冊紀錄冊及紀錄中

- (1) 凡——

Part VI

Winding Up of Corporations

33. Winding up of corporations

- (1) A corporation may be wound up under the provisions of Part X of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) as if it were an unregistered company within the meaning of that Ordinance and the provisions of that Ordinance relating to the winding up of an unregistered company shall, in so far as they are applicable, apply to the winding up of a corporation. (*Amended 28 of 2012 ss. 912 & 920*)
- (2) In applying the provisions of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) under subsection (1)— (*Amended 28 of 2012 ss. 912 & 920*)
 - (a) a reference to a director of a company shall be deemed to be a reference to a member of a management committee; and
 - (b) a reference to a member of a company shall be deemed to be a reference to an owner.

34. Liability of owners on winding up

In the winding up of a corporation under section 33, the owners shall be liable, both jointly and severally, to contribute, according to their respective shares, to the assets of the corporation to an amount sufficient to discharge its debts and liabilities.

(*Amended 27 of 1993 s. 27*)

34A. Winding-up petitions and orders to be noted in register and records

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第 VI 部
第 34B 條

- (a) 有呈請人就某法團而向審裁處提交清盤呈請書；或
(b) 審裁處就某法團而發出清盤令，
則在合理可行下，該呈請人須盡快將清盤呈請書或清盤令（視屬何情況而定）的副本送交土地註冊處。
- (2) 土地註冊處處長收到第 (1) 款所提述的清盤呈請書或清盤令（視屬何情況而定）的副本後，須——
- (a) 將該呈請書或該清盤令的詳情列入註冊紀錄冊內；
及
(b) 將該呈請書或該清盤令的詳情批註於土地註冊處就有關業主而備存的任何紀錄內。
- (3) 如第 (1) 款所提述的呈請人沒有遵守該款的規定，則《公司（清盤及雜項條文）條例》（第 32 章）所指的法律行動或法律程序，均不得開始進行或繼續進行，直至該人遵守該款的規定之時為止；而就該法團所開始進行的任何法律行動或法律程序，須由審裁處將其暫停或以其他方式停止，並且無效，直至該呈請人遵守該款的規定之時為止。（由 2012 年第 28 號第 912 及 920 條修訂）

(由 1993 年第 27 號第 28 條增補)

34B. 釋義

在本部中——

有關業主 (relevant owner) 指——

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- (1) Where—
- (a) a winding-up petition in respect of a corporation is presented to the tribunal by a petitioner; or
(b) a winding-up order in respect of a corporation is made by the tribunal,
- the petitioner shall, as soon as is reasonably practicable, deliver a copy of the winding-up petition or the winding-up order, as the case may be, to the Land Registry.
- (2) The Land Registrar shall, on receipt of the copy of the winding-up petition or winding-up order, as the case may be, referred to in subsection (1)—
- (a) enter particulars of that petition or order in the register; and
(b) endorse particulars of that petition or order on any record at the Land Registry in respect of a relevant owner.
- (3) If the petitioner referred to in subsection (1) fails to comply with that subsection, no action or proceeding under the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) shall be commenced or proceeded with until such time as he complies with that subsection, and any action or proceeding which has been commenced in respect of the corporation shall be stayed by the tribunal or otherwise cease and be of no effect until such time as that petitioner complies with that subsection. *(Amended 28 of 2012 ss. 912 & 920)*

(Added 27 of 1993 s. 28)

34B. Interpretation

In this Part—

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- (a) 在清盤開始日期至土地註冊處處長根據第 34A(2)(a) 條將呈請書詳情列入註冊紀錄冊內的日期之間 (**有關期間** (the relevant period)) 的任何時間，據土地註冊處紀錄顯示，乃是或已是呈請書所指法團所維持的建築物的一份份數的業主的人；及
- (b) 在有關期間管有該份數的已登記承按人；

清盤開始 (commencement of the winding up) 指向審裁處提交法團清盤呈請的時間。

(由 1993 年第 27 號第 28 條增補)

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commencement of the winding up (清盤開始) means the time of the presentation of the petition to the tribunal for the winding up of the corporation;

relevant owner (有關業主) means—

- (a) a person who, at any time between the date of the commencement of the winding up and the date on which the Land Registrar enters particulars of the winding-up petition in the register under section 34A(2)(a) (**the relevant period** (有關期間)), appears from the records at the Land Registry to be or to have been the owner of a share in a building maintained by a corporation the subject of that petition; and
- (b) a registered mortgagee in possession of that share during that relevant period.

(Added 27 of 1993 s. 28)

第 VIA 部**公契***(第 VIA 部由 1993 年第 27 號第 29 條增補)***34C. 適用**

- (1) 除另有明文規定者外，本部只適用於已具備有效公契的建築物，不論該公契乃在關鍵日期之前或之後生效者。
- (2) 如本部與公契或任何其他協議的條款有不一致之處，即以本部為準。

34D. 釋義

- (1) 在本部及附表 7 及 8 中，除文意另有所指外——

公契經理人 (DMC manager) 就建築物而言，指公契指明管理該建築物的人；*(由 2007 年第 5 號第 20 條增補)*

業主委員會 (owners' committee) 就建築物而言，指根據及按照就該建築物而訂立的公契成立的業主委員會(不論其名稱為何)；*(由 2007 年第 5 號第 20 條代替)*

經理人 (manager) 就建築物而言，指公契經理人或當其時為執行公契而管理該建築物的任何其他人；*(由 2007 年第 5 號第 20 條代替)*

關鍵日期 (material date) 指《1993 年多層建築物(業主法團)(修訂)條例》(Multi-storey Buildings (Owners Incorporation) (Amendment) Ordinance 1993)(1993 年第 27 號)第 29 條的生效日期*。

Part VIA**Deeds of Mutual Covenant***(Part VIA added 27 of 1993 s. 29)***34C. Application**

- (1) This Part, except where otherwise expressly provided, applies only to a building in respect of which a deed of mutual covenant is in force whether that deed came into force before or after the material date.
- (2) In the event of any inconsistency between this Part and the terms of a deed of mutual covenant or any other agreement, this Part shall prevail.

34D. Interpretation

- (1) In this Part and Schedules 7 and 8, unless the context otherwise requires— *(Amended 5 of 2007 s. 56)*

DMC manager (公契經理人), in relation to a building, means the person who is specified in the deed of mutual covenant to manage the building; *(Added 5 of 2007 s. 20)*

manager (經理人), in relation to a building, means the DMC manager or any other person who for the time being is, for the purposes of the deed of mutual covenant, managing the building; *(Replaced 5 of 2007 s. 20)*

material date (關鍵日期) means the commencement* of section 29 of the Multi-storey Buildings (Owners Incorporation) (Amendment) Ordinance 1993 (27 of 1993);

owners' committee (業主委員會), in relation to a building, means the committee of owners (howsoever named) formed under or

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- (2) 在本部及附表 7 中，凡提述業主委員會的決議，即為提述該業主委員會的委員在按照公契召開及進行的會議上以過半數票通過的決議。（由 2007 年第 5 號第 56 條修訂）
- (3) 在本部及附表 7 中，凡提述業主的決議——（由 2007 年第 5 號第 20 條修訂）
- (a) 如有法團，即為提述該法團在按照附表 3 召開及進行的大會上通過的決議；或
- (b) 如無法團，即為提述在按照公契召開和進行的業主大會上由親自投票或委派代表投票的業主以過半數票通過的決議。（由 2007 年第 5 號第 56 條修訂）
- (4) （由 2007 年第 5 號第 20 條廢除）

編輯附註：

* 生效日期：1993 年 5 月 8 日。

34E. 公契的強制性條款

- (1) 除第 (4) 款另有規定外，附表 7 的條文——
- (a) 須隱含地納入在關鍵日期或該日之後訂立的每一公契內；及
- (b) 自關鍵日期起，須隱含地納入在該日期之前訂立的每一公契內。
- (2) 憑藉本條納入公契內的條文——

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- in accordance with the deed of mutual covenant in respect of the building. (*Replaced 5 of 2007 s. 20*)
- (2) In this Part and Schedule 7, a reference to a resolution of the owners' committee is a reference to a resolution passed by a majority of the votes of the members of the owners' committee present at a meeting convened and conducted in accordance with the deed of mutual covenant. (*Amended 5 of 2007 s. 56*)
- (3) In this Part and Schedule 7, a reference to a resolution of the owners is— (*Amended 5 of 2007 s. 20*)
- (a) if there is a corporation, a reference to a resolution passed at a general meeting of the corporation convened and conducted in accordance with Schedule 3; or (*Amended 5 of 2007 s. 56*)
- (b) if there is no corporation, a reference to a resolution passed by a majority of the votes of the owners voting either personally or by proxy at a general meeting convened and conducted in accordance with the deed of mutual covenant.
- (4) (*Repealed 5 of 2007 s. 20*)

Editorial Note:

* Commencement date: 8 May 1993.

34E. Mandatory terms in deeds of mutual covenant

- (1) Subject to subsection (4), the provisions in Schedule 7 shall be impliedly incorporated— (*Amended 5 of 2007 s. 57*)
- (a) into every deed of mutual covenant made on or after the material date; and
- (b) as from the material date, into every deed of mutual covenant made before that date.

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- (a) 對建築物的業主及經理人均具約束力；及
- (b) 與公契的任何其他條文不一致時，即以憑藉本條納入公契的條文為準。
- (3) 本條的實施，並不使在關鍵日期前根據公契而作出的作為或發生的不作為，附加新的法律後果。
- (4) (a) 除第 (5) 款另有規定外，在建築物經理人或任何其他對該建築物的管理有利害關係的人申請下；或
- (b) 如屬獲豁免屋邨，則在當其時為組成屋邨的各有關建築物或建築物群的公契的執行而管理該屋邨的人 (**單一經理人** (the single manager)) 申請下，
- 主管當局可不時在憲報刊登公告，排除附表 7 第 7 段對該建築物或對組成該獲豁免屋邨的建築物或建築物群 (視屬何情況而定) 的適用，為期不超過 3 年，並受主管當局認為適合的條件 (如有的話) 規限。
- (5) 如主管當局收到若干由總共擁有該建築物份數不少於 50% 的業主發出的反對通知，反對根據第 (4)(a) 款作出的申請，則主管當局不得根據該款而將附表 7 第 7 段對該建築物的適用予以排除。 (由 2007 年第 5 號第 57 條修訂)
- (6) 除第 (7) 款另有規定外，在任何業主、經理人、第 3(1)(a) 或 (b) 條所提述的人，任何其他對建築物的管理有利害關係的人或任何單一經理人的申請下，主管當局可在憲報刊登命令，指明將任何屋邨增補入附表 9，或從附表 9 刪除任何屋邨 (須屬獲豁免屋邨)。
- (7) 如有以下情況，不得根據第 (6) 款如此指明任何屋邨 ——
- (a) 主管當局收到若干由總共擁有組成屋邨的各建築物或建築物群份數不少於 50% 的業主發出的反對通知，反對將該屋邨增補入附表 9，或從附表 9 刪除該屋邨 (須屬獲豁免屋邨)； (由 2007 年第 5 號第 57 條修訂)
- (b) 根據第 (4) 款施加的條件 (如有的話) 未獲符合或遵守；及

- (2) The provisions incorporated into a deed of mutual covenant by virtue of this section shall—
- (a) bind the owners and manager of the building; and
- (b) prevail over any other provision in the deed that is inconsistent with them.
- (3) This section shall not operate to attach new legal consequences to any act done or omission occurring under a deed of mutual covenant before the material date.
- (4) The Authority may—
- (a) subject to subsection (5), upon application by the manager of the building or any other person having an interest in the management of the building; or
- (b) in the case of an exempt estate, upon the application of the person (**the single manager** (單一經理人)) who for the time being is, for the purpose of the deed of mutual covenant in respect of the buildings or groups of buildings comprising the estate, managing that estate,
- from time to time by notice in the Gazette, exclude the application to the building, or to the buildings or groups of buildings comprising the exempt estate, as the case may be, of paragraph 7 of Schedule 7 for a period not exceeding 3 years and subject to such conditions (if any) as he sees fit.
- (5) The Authority shall not exclude the application to the building of paragraph 7 of Schedule 7 under subsection (4)(a) if the Authority receives a number of notices of objection from the owners of not less than 50% of the shares in aggregate in respect of that building, such notices opposing the application under that subsection.
- (6) Subject to subsection (7), the Authority may, upon application by any owner, manager, person referred to in section 3(1)(a) or (b), any other person having an interest in the management

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- (c) 在擬將任何屋邨增補入附表 9 的情況下，組成該屋邨的建築物或建築物群並非由單一經理人管理。
- (8) 主管當局須擬備並在憲報刊登與主管當局根據第 (4) 款行使其酌情決定權有關的準則，而在考慮根據該款提出的申請時，亦須顧及該等準則。（由 2007 年第 5 號第 57 條修訂）

34F. 如與公契一致則加入的條款

- (1) 附表 8 的條文，凡與公契一致者——
- (a) 須隱含地納入在關鍵日期或該日之後訂立的每一公契內；及
- (b) 自關鍵日期起，須隱含地納入在該日期之前訂立的每一公契內。

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- of a building or any single manager, specify by order published in the Gazette the addition of any estate to, or the deletion of any estate (being an exempt estate) from, Schedule 9.
- (7) No estate may be so specified under subsection (6) if—
- (a) the Authority receives a number of notices of objection from the owners of not less than 50% of the shares in aggregate in respect of the buildings or groups of buildings comprising the estate, such notices opposing the addition of that estate to, or the deletion of that estate (being an exempt estate) from, Schedule 9;
- (b) the conditions (if any) imposed under subsection (4) are not met or complied with; and
- (c) in the case of the proposed addition of an estate to Schedule 9, the buildings or groups of buildings comprising the estate are not being managed by a single manager.
- (8) The Authority shall prepare and publish in the Gazette guidelines relating to the exercise of the Authority's discretion under subsection (4) and shall, when considering an application under that subsection, have regard to those guidelines.

*(Amended 5 of 2007 s. 57)***34F. Terms added if consistent with deed of mutual covenant**

- (1) The provisions in Schedule 8 shall, to the extent that they are consistent with the deed of mutual covenant, be impliedly incorporated— *(Amended 5 of 2007 s. 58)*
- (a) into every deed of mutual covenant made on or after the material date; and

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- (2) 除第 (3) 款另有規定外，憑藉本條納入公契內的條文，對建築物的業主及經理人均具約束力。
- (3) 附表 8 的任何條文，如根據本條隱含地納入公契內，則在該條文被如此納入時，可憑藉業主的決議，將該條文修訂、刪除，或重新納入公契內。
- (4) 本條的實施，並不使在關鍵日期前根據公契而作出的作為或發生的不作為，附加新的法律後果。

34G. 未售出物業的管理開支

- (1) 如就某座建築物已訂立或予以訂立公契之時，該建築物有任何份數未曾售出，則只要該份數仍未售出，該份數當其時的業主，即負有支付與該份數有關的管理開支的法律責任，猶如他在購入該份數時，該份數已受該公契所規限一樣。
- (2) 本條的實施，並不使任何人負有支付關鍵日期前某段期間的管理開支的法律責任。

34H. 維持物業的職責

- (1) 凡擁有建築物任何部分的人，或對建築物任何部分具有獨有管有權的人，或對該部分具有獨有的使用、佔用或享用權的人（視屬何情況而定），雖則該建築物的公契並無對該人施加維持該部分修葺妥善及狀況良好的責任，該人亦須維持該部分修葺妥善及狀況良好。

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- (b) as from the material date, into every deed of mutual covenant made before that date.
- (2) Subject to subsection (3), the provisions incorporated into a deed of mutual covenant by virtue of this section shall bind the owners and manager of the building.
- (3) Any provision in Schedule 8 that is impliedly incorporated into a deed of mutual covenant under this section may, insofar as that provision is so incorporated, by a resolution of the owners, be amended, deleted, or re-incorporated into the deed of mutual covenant. (*Amended 5 of 2007 s. 58*)
- (4) This section shall not operate to attach new legal consequences to any act done or omission occurring under a deed of mutual covenant before the material date.

34G. Management expenses of unsold property

- (1) If, at the time a deed of mutual covenant was or is made in respect of a building, any share in the building had not or has not been sold, the owner for the time being of the share shall, for so long as it remains unsold, be liable to pay the management expenses relating to the share as if he had purchased that share subject to the deed of mutual covenant.
- (2) This section shall not operate to make any person liable to pay management expenses in respect of a period before the material date.

34H. Duty to maintain property

- (1) Where a person who owns any part of a building, has the right to the exclusive possession of any part of a building or has the exclusive right to the use, occupation or enjoyment of that part, as the case may be, but the deed of mutual covenant in respect of the building does not impose an obligation on that person to maintain the part in good repair and condition,

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- (2) 第 (1) 款的責任，須當作為根據公契對建築物的所有業主負上的責任。

that person shall maintain that part in good repair and condition. (*Amended 69 of 2000 s. 14*)

- (2) The obligation in subsection (1) shall be deemed to be an obligation owed to all owners of the building under the deed of mutual covenant.

34I. 公用部分

- (1) 任何人不可 ——
- (a) 將建築物公用部分的任何部分改作自用，除非該項改變乃由業主委員會（如有的話）藉決議批准者；
 - (b) 使用或准許他人使用建築物公用部分的任何部分，以致 ——
 - (i) 不合理地干擾建築物的任何業主或佔用人對該等部分的使用或享用；或
 - (ii) 對合法在建築物內的任何人造成滋擾或危險。
- (2) 任何人違反第 (1) 款，即當作違反建築物公契對他施加的責任。

34I. Common parts

- (1) No person may—
- (a) convert any part of the common parts of a building to his own use unless such conversion is approved by a resolution of the owners' committee (if any);
 - (b) use or permit to be used the common parts of a building in such a manner as—
 - (i) unreasonably to interfere with the use and enjoyment of those parts by any owner or occupier of the building; or
 - (ii) to cause a nuisance or hazard to any person lawfully in the building.
- (2) Any person who contravenes subsection (1) shall be deemed to be in breach of an obligation imposed on him by the deed of mutual covenant in respect of the building.

34J. 成立法團及處理事務的權利

- (1) 公契或其他協議的條文的實施，並不妨礙任何建築物的業主根據本條例註冊為法團，而任何此等條文，亦屬作廢及無效。
- (2) 公契條文（不論該條文屬程序性質或其他性質）的實施，並不妨礙任何業主或管理建築物的人在任何會議上處理與建築物的管理有關的事務，而任何此等條文，亦屬作廢及無效。

34J. Right to establish corporation and conduct business

- (1) No provision in a deed of mutual covenant or other agreement shall operate to prevent the owners of any building from being registered as a corporation under this Ordinance and any such provision shall be void and of no effect.
- (2) No provision in a deed of mutual covenant (whether such provision is of a procedural nature or otherwise) shall operate to prevent any business relating to the management of a building being conducted at any meeting by any owner or any

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- (3) 公契內任何與會議法定人數有關的條文，如使達致法定人數實際上不可行，或事實上不能達到，因而有效力阻止或阻撓任何業主或管理建築物的人在會議上考慮與建築物的管理有關的事務，即屬作廢及無效。
- (4) 本條所提述的**與建築物的管理有關的事務**須解釋為包括與以下各項有關的事務——
- (a) 根據第 3、3A、4 或 40C 條委出管理委員會；或（由 2007 年第 5 號第 21 及 59 條修訂）
- (b) 按照附表 7 終止委任經理人。

34K. 管理委員會代替業主委員會

凡就建築物而根據第 3、3A、4 或 40C 條委出或已委出管理委員會，就該建築物的公契而言，管理委員會當其時的委員，須當作為業主委員會，且——（由 2000 年第 69 號第 15 條修訂；由 2007 年第 5 號第 60 條修訂）

- (a) 須具有業主委員會根據公契所具有的一切職能、權力及職責，而與任何其他人士無涉；及
- (b) 在與該等職能、權力及職責有關時，須受附表 2 所規限，即使該附表與公契不一致。

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- person managing the building and any such provision shall be void and of no effect.
- (3) Any provision in a deed of mutual covenant relating to a quorum at any meeting the attainment of which is in practice impossible or virtually impossible to achieve and which has the effect of preventing or frustrating the consideration at that meeting of any business relating to the management of a building by any owner or any person managing the building shall be void and of no effect.
- (4) The reference to **any business relating to the management of a building** in this section shall be construed to include any such business relating to—
- (a) the appointment of a management committee under section 3, 3A, 4 or 40C; or (*Amended 5 of 2007 s. 21*)
- (b) the termination of a manager's appointment in accordance with Schedule 7. (*Amended 5 of 2007 s. 59*)

34K. Management committee to replace owners' committee

Where a management committee in respect of a building is or has been appointed under section 3, 3A, 4 or 40C, the members of the management committee for the time being shall be deemed, for the purposes of the deed of mutual covenant in respect of that building, to be the owners' committee and shall— (*Amended 69 of 2000 s. 15*)

- (a) to the exclusion of any other persons have all the functions, powers and duties of the owners' committee under the deed of mutual covenant; and
- (b) in relation to those functions, powers and duties be subject to Schedule 2, even if that Schedule is inconsistent with the deed of mutual covenant. (*Amended 5 of 2007 s. 60*)

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34L. 管理人就訟費等而獲得彌償的條文

公契及其他協議的條文的實施，並不使任何建築物的經理人有權就該經理人和法團或該建築物各單位的業主之間的或有關該經理人和法團或建築物各單位的業主而有的任何民事或刑事法律程序（不論勝訴與否），獲得該法團或該等業主彌償有關的訟費、收費、開支或費用，而任何此等條文，亦屬作廢及無效。

34L. Indemnity of manager in respect of legal costs, etc.

No provision in a deed of mutual covenant or other agreement shall operate to entitle the manager of any building to be indemnified by a corporation or by the owners of the flats in that building in respect of any legal costs, charges, expenses or fees relating to any civil or criminal proceedings (whether successful or otherwise) between or in respect of that manager and that corporation or those owners and any such provision shall be void and of no effect.

第 VII 部

雜項

35. 不當使用“業主立案法團”字句的罰則

任何人如非根據本條例成立法團而使用含有“*Incorporated Owners*”或“*Owners' Corporation*”的英文字或其中文字的名稱，或使用意指該人乃根據本條例成立為法團的中文或英文字，即屬犯罪，一經定罪，可處第 3 級罰款。

(由 1993 年第 27 號第 30 及 42 條修訂；由 2000 年第 69 號第 16 條修訂)

36. 虛假的陳述或資料

任何人——

- (a) 按本條例規定的格式或為施行本條例而發給、發出或制訂的通知或文件中作出陳述或提供資料；或
- (b) 提供本條例所規定提供的資料，

而明知或理應知道其中有虛假要項，即屬犯罪，一經定罪，可處第 3 級罰款及監禁 6 個月。

(由 1993 年第 27 號第 42 條修訂；由 2000 年第 69 號第 17 條修訂)

37. 有關會議通過的決議的保留條文

根據本條例召開的會議所通過的決議，不得純以開會通知並無派予有權利收到通知的人為理由而致無效。

Part VII

Miscellaneous

35. Penalty for improper use of “*Incorporated Owners*”

Any person who, not being a corporation incorporated under this Ordinance, uses a name or title containing the words “*Incorporated Owners*” or “*Owners' Corporation*” or the Chinese characters therefor, or other words or Chinese characters implying that such person is a corporation incorporated under this Ordinance, shall be guilty of an offence and shall be liable on conviction to a fine at level 3.

(Amended 27 of 1993 ss. 30 & 42; 69 of 2000 s. 16)

36. False statement or information

Any person who—

- (a) in any form required by this Ordinance, or in any notice or document given, issued or made for the purposes of this Ordinance, makes any statement or furnishes any information; or
- (b) furnishes any information required to be furnished under this Ordinance,

which he knows, or reasonably ought to know, to be false in a material particular, shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 6 months.

(Amended 27 of 1993 s. 42; 69 of 2000 s. 17)

37. Saving for resolutions passed at meetings

A resolution passed at any meeting convened under this Ordinance shall not be invalid by reason only of the omission to give notice

38. 秘書備存登記冊

- (1) 管理委員會秘書須備存登記冊，將有關建築物的每個單位分別列明，並就每個單位填上以下詳情——
 - (a) 業主的名稱和地址；及
 - (b) 已登記承按人（如有的話）的名稱和地址。
- (2) 就第 (1) 款而言，除非業主或已登記承按人以書面將其他地址通知管理委員會秘書，否則——
 - (a) 業主地址須為業主所擁有單位的地址；而
 - (b) 已登記承按人地址須為已登記按揭契約上所載的地址。
- (3) 任何人成為某一單位的業主或已登記承按人，須隨即通知管理委員會秘書，而秘書須據此而修訂登記冊。
- (4) 根據第 (1) 款備存的登記冊，須供主管當局、獲授權人員、租客代表、業主和已登記承按人或任何由業主或已登記承按人就此以書面妥為授權的人查閱。（由 1993 年第 27 號第 31 條代替）

39. 業主份數的釐定

業主的份數須照以下方式釐定——

of the meeting to any person entitled to such notice.

38. Secretary to maintain register

- (1) The secretary of a management committee shall maintain a register, in which each flat in the building concerned shall be separately identified, and shall enter therein the following particulars with reference to each flat—
 - (a) the name and address of the owner; and
 - (b) the name and address of the registered mortgagee (if any).
- (2) For the purposes of subsection (1)—
 - (a) the address of an owner shall be the address of the flat which he owns; and
 - (b) the address of a registered mortgagee shall be his address appearing in the registered mortgage, unless the owner or registered mortgagee notifies the secretary of the management committee in writing of some other address.
- (3) Every person who becomes an owner or a registered mortgagee of a flat shall forthwith give notice thereof to the secretary of the management committee, who shall amend the register accordingly.
- (4) The register maintained under subsection (1) shall be open to inspection by the Authority, an authorized officer, the tenants' representative, an owner or a registered mortgagee or any person duly authorized in writing in that behalf by an owner or registered mortgagee. *(Replaced 27 of 1993 s. 31)*

39. Determination of owner's shares

An owner's share shall be determined—

- (a) 照土地註冊處註冊的文書包括公契 (如有的話) 所規定的方式; 或 (由 1993 年第 8 號第 2 條修訂)
- (b) 如無文書, 或文書無此規定, 則照業主在建築物所佔的不可分割份數與建築物分割成的總份數的比例。
(由 1993 年第 27 號第 32 條修訂)

- (a) in the manner provided in an instrument including a deed of mutual covenant (if any) which is registered in the Land Registry; or (*Amended 8 of 1993 s. 2*)
- (b) if there is no such instrument, or the instrument contains no such provision, then in the proportion which his undivided share in the building bears to the total number of shares into which the building is divided.

(*Amended 27 of 1993 s. 32*)

40. 進入視察的權力

- (1) 管理委員會委員以及獲管理委員會就下述事項授權的人, 可在給予單位業主或佔用人合理通知後, 在任何合理時間內進入該單位, 藉以 —— (由 1993 年第 27 號第 33 條修訂)
- (a) 視察、修理、保養或翻新 ——
- (i) 單位內的任何公用部分; 或
- (ii) 單位內的任何其他財物而其狀況已對或可對公用部分或其他業主造成不利影響者;
- (b) 消除已對或可對公用部分或其他業主造成不利影響的危險情況或煩擾。
- (2) 裁判官如信納經宣誓而作的告發, 認為必須讓根據第 (1) 款有權進入某一單位的人破門進入該單位, 即可發出手令, 授權該人在警務人員在場的情況下破門進入該單位。
- (3) 儘管有第 19(2) 條的規定, 管理委員會因行使第 (1)(a)(ii) 或 (b) 款授予的權力而承付的任何費用, 可由法團向招致承付該費用的單位的業主以民事債項方式追討。 (由 1993 年第 27 號第 33 及 42 條修訂)

40. Powers of entry and inspection

- (1) A member of a management committee and any other person authorized in that behalf by the management committee may, on reasonable notice to the owner or occupier thereof, enter a flat at any reasonable time for the purpose of— (*Amended 27 of 1993 s. 33*)
- (a) inspecting, repairing, maintaining or renewing—
- (i) any common parts in the flat; or
- (ii) any other property in the flat the condition of which does or may affect adversely the common parts or other owners;
- (b) abating any hazard or nuisance which does or may adversely affect the common parts or other owners.
- (2) A magistrate may, if satisfied by information on oath that it is necessary for any person to break into any flat which he is empowered to enter under subsection (1), by warrant authorize such person to break into the flat in the presence of a police officer.
- (3) Notwithstanding section 19(2), any costs incurred by the management committee in connexion with the exercise by it of the powers conferred by subsection (1)(a)(ii) or (b) shall be recoverable by the corporation as a civil debt from the owner

40A. 主管當局或獲授權人員的權力

- (1) 主管當局或獲授權人員可為確定建築物的控制、管理或行政事宜的方式而——
- 進入及視察建築物的任何公用部分；
 - 出席法團的任何大會；
 - 要求法團或管理建築物的人向他提供他所指明的與建築物的控制、管理及行政事宜有關的，由法團或該人（視屬何情況而定）所管有的該等資料；
 - 查閱根據第 27(1) 條備存的帳簿或帳項紀錄及其他紀錄，包括與根據第 20 條設立及備存的任何基金有關的帳目；及
 - 查閱法團所保存的與其職能、職責或權力有關的任何其他文件。
- (2) 任何人妨礙根據第 (1) 款行事的主管當局或獲授權人員，或沒有遵守根據第 (1) 款行事的主管當局或獲授權人員的合理規定，即屬犯罪，可處第 4 級罰款。（由 2000 年第 69 號第 18 條修訂）

(由 1993 年第 27 號第 34 條增補)

40B. 主管當局命令委任建築物管理代理人

- (1) 凡主管當局覺得任何有管理委員會的建築物有下述情況——

of the flat in respect of which such costs were incurred.
(Amended 27 of 1993 ss. 33 & 42)

40A. Powers of Authority or authorized officer

- (1) The Authority or an authorized officer may, for the purpose of ascertaining the manner in which a building is being controlled, managed or administered—
- enter and inspect any common parts of a building;
 - attend any general meeting of a corporation;
 - require a corporation or any person managing the building to furnish him with such information in the possession of the corporation or that person, as the case may be, as the Authority or authorized officer may specify in relation to the control, management and administration of the building;
 - inspect the books or records of account and other records maintained under section 27(1) including any accounts relating to any fund established and maintained under section 20; and
 - inspect any other documents or records kept by a corporation in relation to any of its functions, duties or powers.
- (2) Any person who obstructs, or fails to comply with a reasonable requirement of, the Authority or an authorized officer acting under subsection (1) commits an offence and is liable to a fine at level 4. *(Amended 69 of 2000 s. 18)*

(Added 27 of 1993 s. 34)

40B. Appointment of building management agent by order of Authority

- (1) Where it appears to the Authority in the case of any building

- (a) 該建築物在當其時是沒有人管理的；
- (b) 其管理委員會於任何要項上在相當程度上沒有履行第 18 條所訂的法團的職責，包括（但不限於）該條第 (2A) 款所訂的須顧及工作守則及以工作守則為指引的職責；及
- (c) 其佔用人或業主因 (a) 及 (b) 段提及的情況而處於或可能處於危險境況，
- 則主管當局可命令該管理委員會必須在該命令所指明的合理期間內，委任建築物管理代理人管理該建築物。
- (2) 凡管理委員會無合理辯解而沒有遵從根據第 (1) 款作出的命令，管理委員會的每名委員即屬犯罪，一經定罪，可處第 5 級罰款，如屬持續的罪行，則可就罪行持續期間的每一天，另處罰款 \$1,000，但如他證明——
- (a) 該罪行既非在他同意亦非在他縱容下犯的；及
- (b) 他已盡了在有關情況下應盡的一切努力以防止犯該罪行，
- 即可以此作為免責辯護。
- (3) 為施行本條及第 40C 條，任何人如名列於主管當局不時編製並在憲報上刊登的從事建築物管理業務的人的名單，則有資格獲委任為建築物管理代理人。（由 2007 年第 5 號第 22 條代替）

(由 2000 年第 69 號第 19 條增補)

having a management committee that—

- (a) no person is, for the time being, managing that building;
- (b) the management committee has, in any material particular, failed substantially to perform the duties of a corporation under section 18 including without limitation, the duty of a corporation under subsection (2A) of that section to have regard to and be guided by Codes of Practice; and
- (c) by reason of the circumstances mentioned in paragraphs (a) and (b), there is a danger or risk of danger to the occupiers or owners of the building,
- the Authority may order that, within such reasonable period as shall be specified in the order, the management committee must appoint a building management agent for the purposes of managing that building.
- (2) Where a management committee without reasonable excuse fails to comply with an order made under subsection (1), every member of the management committee shall be guilty of an offence and shall be liable on conviction to a fine at level 5 and in the case of a continuing offence, to a further daily fine of \$1,000 for each day during which the offence continues, unless he proves—
- (a) that the offence was committed without his consent or connivance; and
- (b) that he exercised all such due diligence to prevent the commission of the offence as he ought to have exercised in the circumstances.
- (3) For the purposes of this section and section 40C, a person is eligible to be appointed as a building management agent if his name appears in a list of persons engaged in the business of the management of buildings compiled by the Authority

40C. 審裁處命令委出管理委員會或委任建築物管理代理人

- (1) 凡審裁處應主管當局提出的申請而覺得任何建築物有下述情況——
- 儘管有根據第 4 條發出的命令，仍未有管理委員會根據第 3、3A 或 4 條委出，而且亦相當不可能會有管理委員會根據該等條文委出；(由 2007 年第 5 號第 61 條修訂)
 - 該建築物在當其時是沒有人管理的；及
 - 主管當局信納該建築物的佔用人或業主因 (a) 及 (b) 段提及的情況而處於或可能處於危險境況，
- 則審裁處可命令名列該命令的業主必須在命令所指明的合理期間內召開業主會議，處理第 (2) 款所提述的事宜以管理該建築物。
- (2) 第 (1) 款所提述的事宜順序為——
- 考慮通過決議委出管理委員會管理該建築物，如認為適當的話，則通過該決議；(由 2007 年第 5 號第 61 條修訂)
 - 如沒有通過該決議，則考慮通過決議委任建築物管理代理人管理該建築物，如認為適當的話，則通過該決議。
- (3) 在根據本條召開的業主會議上，業主可藉由親自投票或委派代表投票的業主以過半數票通過的決議——
- 委出管理委員會；或
 - (如沒有委出管理委員會) 委任建築物管理代理人。(由 2007 年第 5 號第 23 條代替)

from time to time and published in the Gazette. (Replaced 5 of 2007 s. 22)

(Added 69 of 2000 s. 19)

40C. Appointment of management committee or building management agent by order of tribunal

- (1) Where upon the application of the Authority it appears to the tribunal in the case of any building that—
- a management committee has not been and is not likely to be appointed under section 3, 3A or 4, notwithstanding an order of the tribunal made under section 4;
 - no person is, for the time being, managing that building; and
 - the Authority is satisfied that by reason of the circumstances mentioned in paragraphs (a) and (b), there is a danger or risk of danger to the occupiers or owners of the building,
- the tribunal may order that, within such reasonable period as shall be specified in the order, a meeting of owners must be convened by such owner as shall be named in the order to deal with the matters referred to in subsection (2) for the purposes of managing that building.
- (2) The matters referred to in subsection (1) are, consecutively—
- to consider and, if thought fit, to pass a resolution which appoints a management committee;
 - where that resolution is not passed, to consider and, if thought fit, to pass a resolution which appoints a building management agent,
- for the purposes of managing that building.

- (3A) 如在業主會議上沒有委出管理委員會或委任建築物管理代理人，則召集人可直接委任建築物管理代理人。(由 2007 年第 5 號第 23 條增補)
- (4) 召集人須在業主會議日期至少 14 天前，向每一名業主及第 3(1)(a) 或 (b) 條提述的人(如有的話)發出會議通知。(由 2007 年第 5 號第 23 條代替)
- (5) 會議通知須指明 ——
- (a) 會議日期、時間和地點；及
- (b) 擬在會議上提出，並只關乎委出管理委員會、業主成立法團及委任建築物管理代理人的決議。(由 2007 年第 5 號第 23 條增補)
- (6) 會議通知可藉以下方式發出 ——
- (a) 就業主而言，可將通知 ——
- (i) 面交該業主；
- (ii) 按該業主最後為人所知的地址郵寄給他；或
- (iii) 留在該業主的單位內或放入為該單位而設的信箱內；或
- (b) 就第 3(1)(a) 或 (b) 條提述的人而言，可將通知 ——
- (i) 面交該人；或
- (ii) 按該人最後為人所知的地址郵寄給他。(由 2007 年第 5 號第 23 條增補)
- (7) 召集人亦須在業主會議日期至少 14 天前，在建築物的顯眼處展示會議通知。(由 2007 年第 5 號第 23 條增補)
- (8) 根據本條召開的業主會議須由召集人主持。(由 2007 年第 5 號第 23 條增補)
- (9) 根據本條召開的業主會議的法定人數為業主人數的 10%。(由 2007 年第 5 號第 23 條增補)
- (10) 在根據本條召開的業主會議上 ——
- (a) 每名業主有一票；

- (3) At a meeting of owners convened under this section, the owners may, by a resolution passed by a majority of the votes of the owners voting either personally or by proxy, appoint—
- (a) a management committee; or
- (b) (if no management committee is appointed) a building management agent. *(Replaced 5 of 2007 s. 23)*
- (3A) If no management committee or building management agent is appointed at the meeting of owners, the convenor may appoint a building management agent directly. *(Added 5 of 2007 s. 23)*
- (4) The convenor shall, at least 14 days before the date of the meeting of owners, give notice of the meeting to each owner and the person referred to in section 3(1)(a) or (b) (if any). *(Replaced 5 of 2007 s. 23)*
- (5) The notice of meeting shall specify—
- (a) the date, time and place of the meeting; and
- (b) the resolutions that are to be proposed at the meeting and are related only to the appointment of a management committee, the incorporation of the owners and the appointment of a building management agent. *(Added 5 of 2007 s. 23)*
- (6) The notice of meeting may be given—
- (a) in the case of an owner—
- (i) by delivering it personally to the owner;
- (ii) by sending it by post to the owner at his last known address; or
- (iii) by leaving it at the owner's flat or depositing it in the letter box for that flat; or
- (b) in the case of a person referred to in section 3(1)(a) or (b)—

- (b) 業主可親自投票或委派代表投票；
- (c) 就共同擁有人而言，該票 ——
- (i) 可由共同擁有人共同委任的代表投下；
 - (ii) 可由共同擁有人所委任的他們當中一人投下；或
 - (iii) 如沒有根據第 (i) 或 (ii) 節作出委任，則可由其中一名共同擁有人親自投下，或由其中一名共同擁有人委任的代表投下；及
- (d) 就共同擁有人而言，如有多於一名共同擁有人擬投票，則只有由在土地註冊處備存的註冊紀錄冊內記錄排名最先的共同擁有人所投的票（不論親自投下或委派代表投下），才視作有效。（由 2007 年第 5 號第 23 條增補）
- (11) 為施行第 (10) 款 ——
- (a) 委任代表的文書須符合附表 1A 表格 1 所列的格式，——
 - (i) 並須由業主簽署；或
 - (ii) 如業主是法人團體，則須（即使其章程另有規定）蓋上其印章或圖章並由獲該法人團體就此而授權的人簽署；
 - (b) 委任代表的文書須在會議舉行的時間至少 48 小時前送交召集人；
 - (c) 委任代表的文書須按照 (a) 及 (b) 段訂立和送交，方屬有效；
 - (d) 就會議而言，獲業主委任代表他出席和投票的代表須視為出席會議的該業主；及
 - (e) 凡有委任代表的文書送交召集人，召集人須 ——
 - (i) 在會議舉行的時間前，將收據留在訂立該文書的業主的單位內或放入為該單位而設的信箱內，藉以確認收到該文書；

- (i) by delivering it personally to the person; or
 - (ii) by sending it by post to the person at his last known address. (*Added 5 of 2007 s. 23*)
- (7) The convenor shall also, at least 14 days before the date of the meeting of owners, display the notice of meeting in a prominent place in the building. (*Added 5 of 2007 s. 23*)
- (8) The convenor shall preside at a meeting of owners convened under this section. (*Added 5 of 2007 s. 23*)
- (9) The quorum at a meeting of owners convened under this section shall be 10% of the owners. (*Added 5 of 2007 s. 23*)
- (10) At a meeting of owners convened under this section—
- (a) each owner shall have one vote;
 - (b) an owner may cast a vote personally or by proxy;
 - (c) in the case of co-owners, the vote may be cast—
 - (i) by a proxy jointly appointed by the co-owners;
 - (ii) by a person appointed by the co-owners from amongst themselves; or
 - (iii) if no appointment is made under subparagraph (i) or (ii), either by one of the co-owners personally or by a proxy appointed by one of the co-owners; and
 - (d) where, in the case of co-owners, more than one of the co-owners seeks to cast a vote, only the vote that is cast, whether personally or by proxy, by the co-owner whose name, in order of priority, stands highest in the register kept at the Land Registry shall be treated as valid. (*Added 5 of 2007 s. 23*)
- (11) For the purposes of subsection (10)—
- (a) the instrument appointing a proxy shall be in the form set out in Form 1 in Schedule 1A, and—

- (ii) 按照 (c) 段決定該文書是否有效；及
- (iii) 在會議舉行的時間前，在會議地點的顯眼處展示該業主的單位的資料，並致使該資料保持如此展示，直至會議結束為止。（由 2007 年第 5 號第 23 條增補）
- (12) 除第 (13) 款另有規定外，召集人須保留所有送交他的委任代表的文書，為期自會議結束後起計至少 12 個月。（由 2007 年第 5 號第 23 條增補）
- (13) 如有管理委員會或建築物管理代理人在根據本條召開的業主會議中委出——
- (a) 召集人須在會議結束後，立即將所有送交他的委任代表的文書送交管理委員會或建築物管理代理人（視屬何情況而定）；及
- (b) 管理委員會或建築物管理代理人（視屬何情況而定）須保留該等文書，為期自會議結束後起計至少 12 個月。（由 2007 年第 5 號第 23 條增補）
- (14) 除第 (15) 款另有規定外，凡根據本條召開的業主會議延期舉行，第 (4)、(5)、(6)、(7)、(8)、(9)、(10)、(11)、(12) 及 (13) 款適用於該延會，一如該等條文適用於原來會議。（由 2007 年第 5 號第 23 條增補）

- (i) shall be signed by the owner; or
- (ii) 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;
- (b) the instrument appointing a proxy shall be lodged with the convenor at least 48 hours before the time for the holding of the meeting;
- (c) the instrument appointing a proxy is valid only if it is made and lodged in accordance with paragraphs (a) and (b);
- (d) a proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting; and
- (e) where an instrument appointing a proxy is lodged with the convenor, the convenor shall—
- (i) 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;
- (ii) determine the validity of the instrument in accordance with paragraph (c); and
- (iii) display information of the owner's flat in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting. (Added 5 of 2007 s. 23)

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- (15) 凡根據本條召開的業主會議延期舉行，就原來會議而言有效的委任代表的文書，除在以下情況下，就該延會而言仍屬有效——
- (a) 在該文書上表明相反意圖；
 - (b) 該文書已予撤銷；或
 - (c) 該文書被新的委任代表的文書取代。(由 2007 年第 5 號第 23 條增補)

(由 2000 年第 69 號第 19 條增補)

- (12) Subject to subsection (13), the convenor shall keep all the instruments for the appointment of proxies that have been lodged with him for a period of at least 12 months after the conclusion of the meeting. *(Added 5 of 2007 s. 23)*
- (13) Where a management committee or building management agent is appointed at a meeting of owners convened under this section—
 - (a) the convenor shall deliver to the management committee or building management agent, as the case may be, immediately after the conclusion of the meeting all the instruments for the appointment of proxies that have been lodged with him; and
 - (b) the management committee or building management agent, as the case may be, shall keep the instruments for a period of at least 12 months after the conclusion of the meeting. *(Added 5 of 2007 s. 23)*
- (14) Subject to subsection (15), where a meeting of owners convened under this section is adjourned, subsections (4), (5), (6), (7), (8), (9), (10), (11), (12) and (13) shall apply to the adjourned meeting as they apply to the original meeting. *(Added 5 of 2007 s. 23)*
- (15) Where a meeting of owners convened under this section 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—
 - (a) contrary intention is shown on the instrument;
 - (b) the instrument is revoked; or
 - (c) the instrument is replaced by a new instrument appointing a proxy. *(Added 5 of 2007 s. 23)*

(Added 69 of 2000 s. 19)

40D. 隨審裁處命令而委任的建築物管理代理人的權力

- (1) 根據第 40C 條獲委任的建築物管理代理人，可進行任何與建築物管理有關的活動或事務，包括（但不限於）在附表 7 中就經理人的活動或事務所提及的種類的活動或事務。
- (2) 根據第 40C 條作出的命令可指示根據第 40C(2)(b) 條委任的建築物管理代理人，須按審裁處認為適當並在命令中指明的、關於該代理人進行關乎有關建築物的管理的活動或事務的報酬、開支及其他方面的條款及條件擔任該職位，任期為一段由審裁處認為適當並在命令中指明的有限定的期間；而如此指明的報酬及開支，是各業主按照在該等報酬及開支應付時他們各自所佔的份數欠該代理人的債項。

(由 2000 年第 69 號第 19 條增補)

41. 訂立規例的權力

行政長官會同行政會議可就以下事項訂立規例——*(由 1999 年第 34 號第 3 條修訂)*

- (a) 根據本條例向土地註冊處處長提交文件以供註冊或存案之用而應付的費用；*(由 1993 年第 8 號第 3 條修訂)*
- (b) 查閱如此註冊或存案的文件或取得其副本而應付的費用；
- (c) 根據本條例發出證書的應付費用；

40D. Powers of building management agent appointed following order of tribunal

- (1) A building management agent appointed under section 40C may carry on any activity or business relating to the management of a building, including without limitation, any activity or business of the description mentioned in Schedule 7 in relation to the activities or business of a manager.
(Amended 5 of 2007 s. 62)
- (2) An order made under section 40C may direct that a building management agent appointed under section 40C(2)(b) shall hold his appointment for a fixed period on such terms and conditions as to remuneration and expenses or otherwise in respect of the carrying on by him of any activity or business relating to the management of the building as the tribunal shall think fit and specify in the order and the remuneration and expenses of the building management agent as so specified shall be a debt due to him from the owners in accordance with their respective shares at the time that that remuneration and those expenses are payable.

(Added 69 of 2000 s. 19)

41. Power to make regulations

The Chief Executive in Council may make regulations for any of the following matters—*(Amended 34 of 1999 s. 3)*

- (a) the fees payable in respect of the registration or filing of any documents submitted to the Land Registrar under this Ordinance;*(Amended 8 of 1993 s. 3)*
- (b) the fees payable for the inspection or copying of any document so registered or filed;
- (c) the fees payable for the issue of any certificate under this Ordinance;

- (ca) 法團就第三者風險、火險及其他風險與保險公司訂立保險單，以及就該等保險單而適用的條件及規定，包括（但不限於）以下事項——
- (i) 關於該等保險單的對法團具有約束力的條件及規定；（由 2007 年第 5 號第 24 條修訂）
 - (ii) 關於該等保險單的對保險公司具有約束力的條件及規定；
 - (iii) 該等保險單中屬無效的條件；
 - (iv) 保險公司須履行關於第三者風險的判法團敗訴的判決的責任；（由 2007 年第 5 號第 24 條修訂）
 - (v) （由 2007 年第 5 號第 24 條廢除）
 - (vi) 法團無力償債或清盤對第三者的申索的影響；（由 2007 年第 5 號第 24 條修訂）
 - (vii) 防止保險公司對承保第三者風險的保險範圍施加限制；
 - (viii) 關於最低投保額的條件及規定；
 - (ix) 關於保險公司須備存的帳目的制度及須提交的申報表的條件及規定；
 - (x) 第三者的責任；（由 2000 年第 69 號第 20 條增補）
 - (xi) 廢止就法團對第三者的法律責任而訂立或達成的任何安排、協議或共識，或任何安排、協議或共識中關於該等法律責任的部分；（由 2007 年第 5 號第 24 條增補）
- (d) 訂明根據本條例將予或可予訂明的任何事項；
- (e) 更有效施行本條例的方法。

- (ca) the effecting of policies of insurance in respect of third party risks and against fire and other risks by corporations with insurance companies and the conditions and requirements which are to apply in respect of those policies, including without limitation—
- (i) the conditions and requirements in respect of policies which are binding on corporations; (*Amended 5 of 2007 s. 24*)
 - (ii) the conditions and requirements in respect of policies which are binding on insurance companies;
 - (iii) the conditions to policies which are to be void and of no effect;
 - (iv) the duty of insurance companies to satisfy judgments against corporations in respect of third party risks; (*Amended 5 of 2007 s. 24*)
 - (v) (*Repealed 5 of 2007 s. 24*)
 - (vi) the effect of the insolvency or winding up of a corporation in respect of claims by third parties; (*Amended 5 of 2007 s. 24*)
 - (vii) the avoidance of the imposition by insurance companies of restrictions on the scope of policies covering third party risks;
 - (viii) the conditions and requirements as to the minimum amount of insurance cover;
 - (ix) the conditions and requirements as to the system of accounts to be kept and the returns to be furnished by insurance companies;
 - (x) the obligations of third parties; (*Added 69 of 2000 s. 20*)
 - (xi) the avoidance of any arrangements, agreements or understandings, or parts thereof, made or reached

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第 344 章第 VII 部
第 42 條Part VII
Section 427-26
Cap. 344**42. 修訂附表的權力**

- (1) 行政長官可藉憲報刊登的命令，修訂附表 7 及 9 以外的其他附表。
 - (2) 行政長官會同行政會議可藉憲報刊登的命令，修訂附表 7。
 - (3) 主管當局可藉憲報刊登的命令，修訂附表 9。
- (由 1993 年第 27 號第 35 條代替。由 1999 年第 34 號第 3 條修訂)

43. 業主權利的保留

本條例所述一切，不妨礙業主售賣、轉讓、按揭、押記、租賃或以其他方式處置、處理其所擁有的份數。

(由 1993 年第 27 號第 42 條修訂)

44. 工作守則

- (1) 主管當局可不時擬備、修訂及發出工作守則，就下述各項給予指導及指示——
 - (a) 法團所需供應品、貨品及服務的取得，包括藉招標承投取得該等供應品、貨品及服務，以及有關的招標程序；
 - (b) 法團須遵守和依循的管理及安全的標準及常規，包括關於下述各項的標準及常規——
 - (i) 建築物管理；

in respect of the liability of corporations towards third parties; (*Added 5 of 2007 s. 24*)

- (d) prescribing anything which is to be or may be prescribed under this Ordinance;
- (e) the better carrying out of the purposes of this Ordinance.

42. Power to amend Schedules

- (1) The Chief Executive may, by order published in the Gazette, amend the Schedules other than Schedules 7 and 9.
- (2) The Chief Executive in Council may, by order published in the Gazette, amend Schedule 7.
- (3) The Authority may, by order published in the Gazette, amend Schedule 9.

(*Replaced 27 of 1993 s. 35. Amended 34 of 1999 s. 3; 5 of 2007 s. 63*)

43. Saving of owner's rights

Nothing in this Ordinance shall prevent an owner from selling, assigning, mortgaging, charging, leasing or otherwise disposing of or dealing with his share.

(*Amended 27 of 1993 s. 42*)

44. Codes of Practice

- (1) The Authority may from time to time prepare, revise and issue Codes of Practice giving guidance and direction as to—
 - (a) the procurement of supplies, goods and services required by a corporation including such procurement by invitation to tender and the tender procedure in respect thereof;

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- (ii) 建築物安全；
- (iii) 消防安全；
- (iv) 斜坡安全；
- (v) 升降機及自動梯；及
- (vi) 建築物公用部分的設施及其他裝置。(由 2000 年第 69 號第 21 條代替)

- (2) 如因任何人以致根據第 (1) 款發出的工作守則未獲遵守，此事本身並不使該人遭受任何種類的刑事法律程序，但任何此等不遵守工作守則事情，在任何法律程序中（不論民事或刑事，包括就本條例所訂罪行而進行者），可作為有助於確定或否定該等法律程序中所爭論的法律責任的根據。

(由 1993 年第 27 號第 36 條增補)

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- (b) the standards and practices of management and safety that are to be observed and followed by a corporation including standards and practices relating to—
 - (i) building management;
 - (ii) building safety;
 - (iii) fire safety;
 - (iv) slope safety;
 - (v) lifts and escalators; and
 - (vi) utilities and other installations in the common parts of a building. *(Replaced 69 of 2000 s. 21)*

- (2) A failure on the part of any person to observe any Code of Practice issued under subsection (1) shall not of itself render that person liable to criminal proceedings of any kind but any such failure may, in any proceedings whether civil or criminal including proceedings for an offence under this Ordinance, be relied upon as tending to establish or to negative any liability which is in question in those proceedings.

(Added 27 of 1993 s. 36)

第 VIII 部**歸於土地審裁處的司法管轄權***(第 VIII 部由 1993 年第 27 號第 37 條增補)***45. 審裁處在建築物管理方面所具有的司法管轄權**

- (1) 審裁處具有聆訊及裁決附表 10 所指明的任何法律程序的司法管轄權。
- (2) 除本條適用的人外，任何人不得開始進行第 (1) 款所提述的任何法律程序。
- (3) 除本條例條文另有規定外，本條或附表 10 所述一切，均不得解釋為將民事司法管轄權以外的任何司法管轄權或任何發出下述命令的司法管轄權歸於審裁處，該命令一旦發出，其效力會使任何業主或佔用人所享有的任何合約性權利或所有權權利，或另於土地註冊處註冊的文書包括公契（如有的話）的條款及條文所提述的任何合約上的權利或所有權權利，完全或部分作廢，或被否定或實質上改變。*（由 2000 年第 69 號第 22 條修訂）*
- (4) 本條適用於下述各人——
 - (a) 業主；
 - (aa) 主管當局；*（由 2000 年第 69 號第 22 條增補）*
 - (b) 第 3(1)(a) 或 (b) 條所提述的人；
 - (c) 管理委員會；
 - (d) 法團；
 - (e) 第 VIA 部所指的經理人；
 - (f) 第 VIA 部所指的業主委員會；
 - (g) 已登記承按人；
 - (h) 管理人；

Part VIII**Jurisdiction Vested in Lands Tribunal***(Part VIII added 27 of 1993 s. 37)***45. Jurisdiction of tribunal in relation to building management**

- (1) The tribunal shall have jurisdiction to hear and determine any proceedings specified in Schedule 10.
- (2) No person other than a person to whom this section applies shall be competent to commence any proceedings referred to in subsection (1).
- (3) Subject to the provisions of this Ordinance, nothing in this section or Schedule 10 shall be construed to vest in the tribunal any jurisdiction other than civil jurisdiction or any jurisdiction to make any order which would, if made, have the effect of rendering void, negating or substantially varying in whole or in part any contractual or proprietary right enjoyed by any owner or occupier or otherwise referred to in the terms and provisions of an instrument which is registered in the Land Registry including a deed of mutual covenant (if any). *(Amended 69 of 2000 s. 22)*
- (4) This section applies to the following persons, namely—
 - (a) an owner;
 - (aa) the Authority; *(Added 69 of 2000 s. 22)*
 - (b) a person referred to in section 3(1)(a) or (b);
 - (c) a management committee;
 - (d) a corporation;
 - (e) a manager within the meaning of Part VIA;
 - (f) an owners' committee within the meaning of that Part;

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- (i) 在審裁處許可下，租客代表；或
 - (j) 在審裁處許可下，於土地註冊處註冊的文書包括公契（如有的話）所指明的任何其他人。
- (5) 在本條及附表 10 中，**所有權權利** (proprietary right) 包括明示或隱含的權利，不論該權利是否為地役權、特許、准許或其他方式所指明者。
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- (g) a registered mortgagee;
 - (h) an administrator;
 - (i) with leave of the tribunal, the tenants' representative; or
 - (j) with leave of the tribunal, any other person specified in an instrument which is registered in the Land Registry including a deed of mutual covenant (if any).
- (5) In this section and Schedule 10, **proprietary right** (所有權權利) includes any such right express or implied whether specified in an easement, licence, permission or otherwise.

(Amended 5 of 2007 s. 64)

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附表 1

Schedule 1

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Cap. 344**附表 1**[第 2 及 42 條]
(由 2007 年第 5 號第 25 條修訂)**公用部分**

1. 外牆及承重牆、地基、柱、樑及其他結構性支承物。
2. 圍繞通道、走廊及樓梯的牆壁。
3. 屋頂、烟囪、山牆、雨水渠、避雷針、碟形衛星天線及附屬設備、天線及天線電線。(由 1993 年第 27 號第 38 條修訂)
4. 護牆、圍欄及邊界牆。
5. 2 個或多於 2 個單位共用的通風口。(由 1993 年第 27 號第 42 條修訂)
6. 水箱、水池、水泵、水井、污水管、污水處理設施、排水渠、糞管、廢水管、溝渠、水道、雨水渠、導管、落水管、電纜、陰溝、垃圾槽、卸斗及垃圾房。(由 1993 年第 27 號第 38 條修訂)
7. 地窖、洗手間、廁所、洗衣房、浴室、廚房及看守員所用單位。
8. 通道、走廊、樓梯、樓梯平台、光井、樓梯窗框及所裝配的玻璃、升降口、屋頂通道及通往屋頂的出口和門閘。

Schedule 1[ss. 2 & 42]
(Amended 5 of 2007 s. 25)**Common Parts**

1. External walls and load bearing walls, foundations, columns, beams and other structural supports.
2. Walls enclosing passageways, corridors and staircases.
3. The roofs, chimneys, gables, gutters, lightning conductors, satellite dishes and ancillary equipment, aerials and aerial cables. (Amended 27 of 1993 s. 38)
4. Parapet walls, fences and boundary walls.
5. Vents serving 2 or more flats. (Amended 27 of 1993 s. 42)
6. Water tanks, reservoirs, pumps, wells, sewers, sewage treatment plants, drains, soil pipes, waste pipes, channels, water-courses, gutters, ducts, downpipes, cables, conduits, refuse chutes, hoppers and refuse container chambers. (Amended 27 of 1993 s. 38)
7. Cellars, toilets, water closets, wash houses, bathhouses, kitchens and caretakers' flats.
8. Passageways, corridors, staircases, landings, light wells, staircase window frames and glazing, hatchways, roofways and outlets to the roofs and doors and gates giving access thereto.

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附表 1

Schedule 1

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| <p>9. 升降機、自動梯、升降機井及有關的機械器材和放置機械器材的地方。</p> <p>10. 照明設備、空調設備、中央供暖設備、消防設備，以及普遍供所有業主使用或為所有業主的利益而設置的裝置，以及安裝、設置此等設備、裝置的任何房間或小室。</p> <p>11. 設置在任何單位內但與建築物內其他單位或其他部分一起供人使用的固定裝置。</p> <p>12. 草地、花園及遊樂場，以及任何其他康樂活動場地。（由 1993 年第 27 號第 38 條增補）</p> <p>13. 游泳池、網球場、籃球場、壁球場以及包容或容納任何運動或康樂活動設施的處所。（由 1993 年第 27 號第 38 條增補）</p> <p>14. 會所、健身室、桑拿浴室以及包容健體或休憩設施的處所。（由 1993 年第 27 號第 38 條增補）</p> <p>15. 組成或形成任何土地的一部分的斜坡、緩坡及護土牆，包括海堤（如有的話），而該土地與建築物乃屬同一共同擁有權者。（由 1993 年第 27 號第 38 條增補）</p> | <p>9. Lifts, escalators, lift shafts and machinery and apparatus used in connexion therewith and the housing thereof.</p> <p>10. Lighting apparatus, air conditioning apparatus, central heating apparatus, fire fighting equipment and installations intended for the use and benefit of all of the owners generally and any room or chamber in which such apparatus, equipment or installation is fitted or installed.</p> <p>11. Fixtures situated in a flat which are used in connexion with the enjoyment of any other flat or other portion of the building.</p> <p>12. Lawns, gardens and playgrounds and any other recreational areas. <i>(Added 27 of 1993 s. 38)</i></p> <p>13. Swimming pools, tennis courts, basketball courts, squash courts and premises containing or housing any other sporting or recreational facilities. <i>(Added 27 of 1993 s. 38. Amended E.R. 2 of 2018)</i></p> <p>14. Clubhouses, gymnasiums, sauna rooms and premises containing health or leisure facilities. <i>(Added 27 of 1993 s. 38)</i></p> <p>15. Slopes, gradients and retaining walls including sea walls (if any) comprising or forming part of any land which is in common ownership with the building. <i>(Added 27 of 1993 s. 38)</i></p> |
|--|---|

附表 1A

[第 3、3A、4、40C 及 42
條及附表 3 及 8]

Schedule 1A

[ss. 3, 3A, 4, 40C & 42 &
Schs. 3 & 8]

表格

表格 1

Forms

Form 1

就業主會議委任代表的文書

Instrument of Proxy for Meetings of Owners

..... (建築物說明) 業主會議

Meeting of the owners of
(description of building)

本人／我們 (業主姓名)，為 (建築物地址及單位) 的業主，現委任 (代表姓名) * [如他未能出席，則委任 (替代代表姓名)] 為本人／我們的代表，出席於 年 月 日舉行的上述建築物業主會議 * [及任何延會] 並代表本人／我們投票。

I/We, (name(s) of owner(s)),
being the owner(s) of (unit and
address of building), hereby appoint
(name of proxy) * [or failing him (name of
alternative proxy)], as my/our proxy to attend and vote on my/our behalf
at the meeting of the owners of the building described above, to be held
on the day of * [and at any
adjournment thereof].

年 月 日。

Dated this day of .

(業主簽署)

(Signature of owner(s))

* 刪去不適用者。

*Delete where inapplicable.

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附表 1A

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表格 2

Form 2

就法團會議委任代表的文書

Instrument of Proxy for Meetings of Corporation

..... (建築物說明) 業主立案法團

The Incorporated Owners of
(description of building)

本人／我們 (業主姓名)，為 (建築物地址及單位) 的業主，現委任 (代表姓名)*[如他未能出席，則委任 (替代代表姓名)] 為本人／我們的代表，出席於 年 月 日舉行的 (建築物說明) 業主立案法團的 [* 業主大會／業主周年大會]*[及任何延會] 並代表本人／我們投票。

I/We, (name(s) of owner(s)), being the owner(s) of (unit and address of building), hereby appoint (name of proxy) *[or failing him (name of alternative proxy)], as my/our proxy to attend and vote on my/our behalf at the [*general meeting/annual general meeting] of The Incorporated Owners of (description of building), to be held on the day of *[and at any adjournment thereof].

年 月 日。

Dated this day of .

(業主簽署)

(Signature of owner(s))

* 刪去不適用者。

*Delete where inapplicable.

(附表 1A 由 2007 年第 5 號第 26 條增補)

(Schedule 1A added 5 of 2007 s. 26)

附表 2[第 2、6、7、14、18、34K
及 42 條及附表 3]

(由 2007 年第 5 號第 27 條修訂)

管理委員會組織及工作程序

(格式變更——2015 年第 1 號編輯修訂紀錄)

1. (1) 管理委員會的委員人數須符合以下規定——
 - (a) 如建築物的單位不多於 50 個，則委員人數須不少於 3；
 - (b) 如建築物的單位多於 50 個但不多於 100 個，則委員人數須不少於 7；
 - (c) 如建築物的單位多於 100 個，則委員人數須不少於 9。
- (2) 在不抵觸第 (1) 節的情況下，管理委員會的委員人數須根據第 2(1)(a) 段藉業主決議決定。
- (3) 在不抵觸第 (1) 節的情況下，根據第 2(1)(a) 段決定的管理委員會委員人數可不時藉在法團業主大會 (根據第 6A(1) 段召開的法團業主大會除外) 上通過的業主決議更改。
- (4) 管理委員會須包括根據第 15(1) 條委任的租客代表 (如有話)。

(由 2007 年第 5 號第 27 條代替)

Schedule 2[ss. 2, 6, 7, 14, 18, 34K & 42
& Sch. 3]

(Amended 5 of 2007 s. 27)

Composition and Procedure of Management Committee

(Format changes—E.R. 1 of 2015)

1. (1) The number of members of a management committee shall be as follows—
 - (a) where the building contains not more than 50 flats, the number of members shall be not less than 3;
 - (b) where the building contains more than 50 flats but not more than 100 flats, the number of members shall be not less than 7;
 - (c) where the building contains more than 100 flats, the number of members shall be not less than 9.
- (2) Subject to subparagraph (1), the number of members of a management committee shall be decided by a resolution of the owners under paragraph 2(1)(a).
- (3) Subject to subparagraph (1), the number of members of a management committee as decided under paragraph 2(1)(a) may be changed from time to time by a resolution of the owners passed at a general meeting of the corporation (except a general meeting of the corporation convened under paragraph 6A(1)).
- (4) A management committee shall include the tenants' representative (if any) appointed under section 15(1).

(Replaced 5 of 2007 s. 27)

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附表 2

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1A. 在第 1 段中，**單位** (flats) 並非指車房、停車場或汽車間。
(由 2000 年第 69 號第 23 條增補)

1A. In paragraph 1, **flats** (單位) does not mean any garage, carpark or carport.

(Added 69 of 2000 s. 23)

2. (1) 在根據第 3、3A、4 或 40C 條召開的業主會議上，在委出管理委員會後——
- (a) 業主須藉以過半數票通過的決議，決定管理委員會的委員人數；
 - (b) 除第 (2) 節另有規定外，業主須藉決議，從業主當中委任管理委員會委員；
 - (c) 業主須藉決議——
 - (i) 從管理委員會委員當中委任一人為管理委員會主席；
 - (ii) 委任一人 (不論他是否管理委員會委員) 為管理委員會秘書；及
 - (iii) 委任一人 (不論他是否管理委員會委員) 為管理委員會司庫；及
 - (d) 業主可藉決議，從管理委員會委員當中委任一人為管理委員會副主席。(由 2007 年第 5 號第 27 條代替)
- (2) 根據第 15(1) 條委任的租客代表，即當作由業主委任為管理委員會委員。
- (3) 為根據第 (1)(b) 節委任管理委員會委員的目的——
- (a) 如候選人的數目不多於須委任的管理委員會委員的數目，則該等候選人須當作獲委任為管理委員會委

2. (1) At a meeting of owners convened under section 3, 3A, 4 or 40C, after a management committee is appointed—
- (a) the owners shall, by a resolution passed by a majority of the votes of the owners, decide the number of members of the management committee;
 - (b) subject to subparagraph (2), the owners shall, by resolution, appoint, from amongst the owners, the members of the management committee;
 - (c) the owners shall, by resolution—
 - (i) appoint a person, from amongst the members of the management committee, as the chairman of the management committee;
 - (ii) appoint a person, whether or not he is a member of the management committee, as the secretary of the management committee; and
 - (iii) appoint a person, whether or not he is a member of the management committee, as the treasurer of the management committee; and
 - (d) the owners may, by resolution, appoint a person, from amongst the members of the management committee, as the vice-chairman of the management committee.
(Replaced 5 of 2007 s. 27)

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- 員，而一項表明此意的決議據此當作根據第(1)(b)節獲通過；
- (b) 如候選人的數目多於須委任的管理委員會委員的數目——
- (i) 投票和點票須按照簡單或相對多數投票制(亦稱為“得票最多者當選”投票制)進行，而在該制度下——
- (A) 業主可投票選取的候選人的數目，不得多於須委任的管理委員會委員的數目；及
- (B) 候選人按得票多寡順序排列，數目相等於須委任的管理委員會委員數目的最前列候選人，須獲委任為管理委員會委員；
- (ii) 如在點票結束後，尚須委任管理委員會委員，而得票最多的餘下候選人獲相同的票數，則主持會議的人須以抽籤方式決定結果，中籤的候選人須獲委任為管理委員會委員。(由 2007 年第 5 號第 27 條增補)
- (4) 為根據第(1)(c)及(d)節委任管理委員會主席、副主席(如適用的話)、秘書及司庫的目的——
- (a) 如只有一名候選人競選管理委員會主席、副主席、秘書或司庫的職位，則該候選人須當作獲委任為管理委員會主席、副主席、秘書或司庫(視屬何情況而定)，而一項表明此意的決議據此當作根據第(1)(c)或(d)節(視屬何情況而定)獲通過；
- (b) 如有多於一名候選人競選管理委員會主席、副主席、秘書或司庫的職位——
- (i) 投票和點票須按照簡單或相對多數投票制(亦稱為“得票最多者當選”投票制)進行，而在該制度下，得票最多的候選人須獲委任為管理委員會主席、副主席、秘書或司庫(視屬何情況而定)；

- (2) The tenants' representative appointed under section 15(1) shall be deemed to be appointed by the owners as a member of the management committee.
- (3) For the purposes of appointing the members of a management committee under subparagraph (1)(b)—
- (a) where the number of candidates is not more than the number of members of the management committee to be appointed, the candidates shall be deemed to be appointed as members of the management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (1)(b) accordingly;
- (b) where there are more candidates than the number of members of the management committee to be appointed—
- (i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the “first past the post” system of voting), under which—
- (A) an owner may vote for not more than the number of members of the management committee to be appointed; and
- (B) the candidates to be appointed as members of the management committee are those who obtain the greatest number of votes and then the next greatest and so on until the required number of members of the management committee is appointed;
- (ii) if, after the counting is finished, a member of the management committee is still to be appointed and the most successful candidates remaining have an equal number of votes, the person who presides at the meeting shall determine the result by drawing

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- (ii) 如在點票結束後，競選管理委員會主席、副主席、秘書或司庫的職位而得票最多的候選人獲相同的票數，則主持會議的人須以抽籤方式決定結果，中籤的候選人須獲委任為管理委員會主席、副主席、秘書或司庫（視屬何情況而定）。（由 2007 年第 5 號第 27 條增補）
- (5) 任何並非根據第 (1)(b) 節獲委任為管理委員會委員的人，並不憑藉他根據第 (1)(c)(ii) 或 (iii) 節獲委任為管理委員會秘書或司庫（視屬何情況而定）而成為管理委員會委員。（由 2007 年第 5 號第 27 條增補）
- (6) 為在根據第 3、3A、4 或 40C 條召開的業主會議上根據第 (1)(b)、(c) 及 (d) 節委任管理委員會委員、主席、副主席（如適用的話）、秘書及司庫的目的——
- (a) 如會議根據第 3 條召開，則第 3(7)、(8)、(9)、(10)、(11)、(12)、(13) 及 (14) 條的條文適用，一如該等條文為根據第 3 條委出管理委員會的目的而適用；
- (b) 如會議根據第 3A 條召開，則第 3A(3E)、(3F)、(3G)、(3H)、(3I)、(3J)、(3K) 及 (3L) 條的條文適用，一如該等條文為根據第 3A 條委出管理委員會的目的而適用；
- (c) 如會議根據第 4 條召開，則第 4(9)、(10)、(11)、(12)、(13)、(14)、(15) 及 (16) 條的條文適用，一如該等條文為根據第 4 條委出管理委員會的目的而適用；或

- lots, and the candidate on whom the lot falls is to be appointed as a member of the management committee. (*Added 5 of 2007 s. 27*)
- (4) For the purposes of appointing the chairman, vice-chairman (if applicable), secretary and treasurer of a management committee under subparagraph (1)(c) and (d)—
- (a) where there is only one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the management committee, the candidate shall be deemed to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (1)(c) or (d), as the case may be, accordingly;
- (b) where there is more than one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the management committee—
- (i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the “first past the post” system of voting), under which the candidate to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the management committee is the candidate who obtains the greatest number of votes;
- (ii) if, after the counting is finished, the most successful candidates for the office of the chairman, vice-chairman, secretary or treasurer of the management committee have an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed as the chairman, vice-chairman, secretary or

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- (d) 如會議根據第 40C 條召開，則第 40C(8)、(9)、(10)、(11)、(12)、(13)、(14) 及 (15) 條的條文適用，一如該等條文為根據第 40C 條委出管理委員會的目的而適用。(由 2007 年第 5 號第 27 條增補)
- (由 1993 年第 27 號第 39 條代替)

- treasurer, as the case may be, of the management committee. (*Added 5 of 2007 s. 27*)
- (5) A person who is not a member of the management committee appointed under subparagraph (1)(b) does not by virtue of his appointment as the secretary or treasurer of the management committee under subparagraph (1)(c)(ii) or (iii), as the case may be, become a member of the management committee. (*Added 5 of 2007 s. 27*)
- (6) For the purposes of appointing the members, chairman, vice-chairman (if applicable), secretary and treasurer of a management committee under subparagraph (1)(b), (c) and (d) at a meeting of owners convened under section 3, 3A, 4 or 40C—
- (a) if the meeting is convened under section 3, the provisions in section 3(7), (8), (9), (10), (11), (12), (13) and (14) shall apply as they apply for the purposes of appointing a management committee under section 3;
- (b) if the meeting is convened under section 3A, the provisions in section 3A(3E), (3F), (3G), (3H), (3I), (3J), (3K) and (3L) shall apply as they apply for the purposes of appointing a management committee under section 3A;
- (c) if the meeting is convened under section 4, the provisions in section 4(9), (10), (11), (12), (13), (14), (15) and (16) shall apply as they apply for the purposes of appointing a management committee under section 4; or
- (d) if the meeting is convened under section 40C, the provisions in section 40C(8), (9), (10), (11), (12), (13), (14) and (15) shall apply as they apply for the purposes of appointing a management committee under section 40C. (*Added 5 of 2007 s. 27*)

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Cap. 344*(Replaced 27 of 1993 s. 39)*

3. 除第 14 條及第 4 段另有規定外，根據第 2(1)(b) 段委任的管理委員會委員須擔任該職位，直至新一屆管理委員會委員根據第 5(2)(a) 段獲委任為止。

(由 2000 年第 69 號第 23 條修訂；由 2007 年第 5 號第 27 條修訂)

4. (1) 就第 14(2) 條及第 2(1)(b)、5(2)(a)、6 及 6A 段而言，下述的人無資格獲委任為管理委員會委員——

- (a) 在獲委任時未獲解除破產的破產人，或曾於過去 5 年內在沒有向債權人全數償還債務的情況下獲解除破產或與其債權人達成《破產條例》(第 6 章)所指的自願安排的人；
- (b) 曾於過去 5 年內在香港或其他地方被裁定犯某罪行，並就該罪行被判處為期超過 3 個月而又不得選擇以罰款代替的監禁(不論是否獲得緩刑)的人。*(由 2007 年第 5 號第 27 條代替)*

- (2) 有以下情況的管理委員會委員，須停任委員——

- (a) 根據第 (1) 節喪失獲委任為管理委員會委員的資格；
- (b) 因精神或身體上的疾病而致喪失行為能力；
- (c) 未得管理委員會同意而 3 次或多於 3 次連續沒有出席管理委員會會議；
- (d) 辭職而以書面通知管理委員會秘書或(如該委員是秘書或秘書的職位出缺)管理委員會主席；*(由 2007 年第 5 號第 27 條修訂)*

3. Subject to section 14 and paragraph 4, the members of the management committee appointed under paragraph 2(1)(b) shall hold office until the members of a new management committee are appointed under paragraph 5(2)(a).

(Amended 69 of 2000 s. 23; 5 of 2007 s. 27)

4. (1) For the purposes of section 14(2) and paragraphs 2(1)(b), 5(2)(a), 6 and 6A, a person is not eligible to be appointed as a member of a management committee if he—

- (a) is an undischarged bankrupt at the time of the appointment or has, within the previous 5 years, either obtained a discharge in bankruptcy or entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap. 6) with his creditors, in either case without paying the creditors in full;
- (b) has, within the previous 5 years, been convicted of an offence in Hong Kong or any other place for which he has been sentenced to imprisonment, whether suspended or not, for a term exceeding 3 months without the option of a fine. *(Replaced 5 of 2007 s. 27)*

- (2) A member of a management committee shall cease to be a member of the committee if he—

- (a) becomes disqualified for appointment as a member of a management committee under sub-paragraph (1);
- (b) becomes incapacitated by physical or mental illness;

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- (da) 以租客代表身分而根據第 2(2) 段當作為獲委任的人，不再是單位的佔用人；(由 1993 年第 27 號第 39 條增補)
- (e) 以業主身分獲委任為管理委員會委員而不再是業主；或 (由 2007 年第 5 號第 27 及 65 條修訂)
- (f) 由法團藉決議撤去其職。
- (3) 每一名根據第 14(2) 條或第 2(1)(b)、5(2)(a)、6 或 6A 段獲委任的管理委員會委員須在獲委任後的 21 天內，向管理委員會秘書送交一份符合土地註冊處處長指明的格式的陳述書，說明該委員並非第 (1)(a) 或 (b) 節所描述的人。(由 2007 年第 5 號第 27 條增補。由 2014 年第 18 號第 56 條修訂)
- (4) 管理委員會委員如沒有遵守第 (3) 節，即停任管理委員會委員。(由 2007 年第 5 號第 27 條增補)
- (5) 除第 (7) 節另有規定外，如在第 (3) 節提述的陳述書中所述的任何事宜有所改變，作出該陳述書的人須在該項改變發生後的 21 天內，向管理委員會秘書送交另一份符合土地註冊處處長指明的格式的陳述書，說明該項改變的詳情。(由 2007 年第 5 號第 27 條增補。由 2014 年第 18 號第 56 條修訂)
- (6) 管理委員會秘書——
- (a) 在憑藉第 (3) 節收到根據第 2(1)(b) 段委任的管理委員會委員作出的陳述書後，須在第 7(1) 條提述的 28 天內致使將該陳述書送交土地註冊處處長；
- (b) 如憑藉第 (3) 節收到根據第 14(2) 條或第 5(2)(a)、6 或 6A 段委任的管理委員會委員作出的陳述書，或憑藉第 (5) 節收到陳述書，須在收到陳述書後的 28 天內將該陳述書送交土地註冊處處長。(由 2007 年第 5 號第 27 條增補。由 2014 年第 18 號第 56 條修訂)
- (7) 如第 (5) 節提述的人是管理委員會秘書，該人須在有關改變發生後的 28 天內，向土地註冊處處長送交一份符合土

- (c) absents himself from 3 or more consecutive meetings of the management committee without the consent of the management committee;
- (d) resigns his office, by notice in writing delivered to the secretary of the management committee or (if he is the secretary or the office of the secretary is vacant) the chairman of the management committee; (*Amended 5 of 2007 s. 27*)
- (da) in the case of a person deemed to be appointed under paragraph 2(2) in his capacity as the tenants' representative, ceases to be an occupier of a flat; (*Added 27 of 1993 s. 39*)
- (e) ceases to be an owner, if appointed in his capacity as an owner; or (*Amended 5 of 2007 s. 27*)
- (f) is removed from office by resolution of the corporation.
- (3) Every member of the management committee appointed under section 14(2) or paragraph 2(1)(b), 5(2)(a), 6 or 6A shall, within 21 days after the appointment, lodge with the secretary of the management committee a statement, in such form as the Land Registrar may specify, stating that he does not fall within the description of subparagraph (1)(a) or (b). (*Added 5 of 2007 s. 27. Amended 18 of 2014 s. 56*)
- (4) A member of the management committee who fails to comply with subparagraph (3) shall cease to be such member. (*Added 5 of 2007 s. 27*)
- (5) Subject to subparagraph (7), where a change occurs in any matter stated in a statement referred to in subparagraph (3), the person who made the statement shall, within 21 days after the change occurs, lodge with the secretary of the management committee another statement, in such form as the Land Registrar may specify, stating the particulars of the change. (*Added 5 of 2007 s. 27. Amended 18 of 2014 s. 56*)

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地註冊處處長指明的格式的陳述書，說明該項改變的詳情。(由 2007 年第 5 號第 27 條增補。由 2014 年第 18 號第 56 條修訂)

- (8) 在《2014 年成文法 (雜項規定) 條例》(2014 年第 18 號) 第 9 部生效日期 * 後，如在根據緊接該生效日期 * 前有效的第 (3) 節送交的聲明書內所述的任何事宜有所改變，作出該聲明書的人須按照第 (5) 或 (7) 節送交陳述書，猶如先前所送交的聲明書是在生效日期 * 當天或之後根據第 (3) 節所送交的陳述書一樣。(由 2014 年第 18 號第 56 條增補)

編輯附註：

* 生效日期：2015 年 1 月 5 日。

- (6) The secretary of the management committee shall—
- (a) after receiving a statement by virtue of subparagraph (3) from a member of the management committee appointed under paragraph 2(1)(b), cause the statement to be lodged with the Land Registrar within the period of 28 days referred to in section 7(1);
- (b) within 28 days after receiving a statement by virtue of subparagraph (3) from a member of the management committee appointed under section 14(2) or paragraph 5(2)(a), 6 or 6A, or by virtue of subparagraph (5), lodge with the Land Registrar the statement. *(Added 5 of 2007 s. 27. Amended 18 of 2014 s. 56)*
- (7) Where the person referred to in subparagraph (5) is the secretary of the management committee, that person shall, within 28 days after the relevant change occurs, lodge with the Land Registrar a statement, in such form as the Land Registrar may specify, stating the particulars of the change. *(Added 5 of 2007 s. 27. Amended 18 of 2014 s. 56)*
- (8) Where, after the commencement* of Part 9 of the Statute Law (Miscellaneous Provisions) Ordinance 2014 (18 of 2014), a change occurs in any matter stated in a declaration lodged before the commencement* under subparagraph (3) that was in force immediately before the commencement*, the person who made the declaration must lodge a statement in accordance with subparagraph (5) or (7) as if that declaration were a statement lodged under subparagraph (3) on or after the commencement*. *(Added 18 of 2014 s. 56)*

Editorial Note:

* Commencement date: 5 January 2015.

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5. (1) 在法團按照附表 3 第 1(1)(b) 段召開的第二次業主周年大會及其後每隔一次的業主周年大會上，以下的人均須卸任——（由 2007 年第 5 號第 27 條修訂。編輯修訂——2018 年第 2 號編輯修訂紀錄）
- (a) 管理委員會所有委員（但以租客代表身分根據第 2(2) 段當作獲委任的委員（如有的話）除外）；
 - (b) （如管理委員會秘書並非管理委員會委員）管理委員會秘書；及
 - (c) （如管理委員會司庫並非管理委員會委員）管理委員會司庫。（由 1996 年第 139 號法律公告修訂；由 2007 年第 5 號第 27 條修訂）
- (2) 在管理委員會委員根據第 (1) 節卸任的法團業主周年大會上——
- (a) 除第 (2A) 節另有規定外，法團須藉在業主大會上通過的決議，從業主當中委任新一屆管理委員會委員；
 - (b) 法團須藉在業主大會上通過的決議——
 - (i) 從新一屆管理委員會委員當中委任一人為新一屆管理委員會主席；
 - (ii) 委任一人（不論他是否新一屆管理委員會委員）為新一屆管理委員會秘書；及
 - (iii) 委任一人（不論他是否新一屆管理委員會委員）為新一屆管理委員會司庫；及
 - (c) 法團可藉在業主大會上通過的決議，從新一屆管理委員會委員當中委任一人為新一屆管理委員會副主席。（由 2007 年第 5 號第 27 條代替）
- (2A) 根據第 15(1) 條委任的租客代表，須當作由法團委任為新一屆管理委員會委員。（由 2007 年第 5 號第 27 條增補）
- (2B) 根據第 (2)(a) 節委任新一屆管理委員會委員的目的——
- (a) 如候選人的數目不多於須委任的新一屆管理委員會委員的數目，則該等候選人須當作獲委任為新一屆

5. (1) At the second annual general meeting of a corporation convened in accordance with paragraph 1(1)(b) of Schedule 3 and thereafter at every alternate annual general meeting— (*Amended 5 of 2007 ss. 27 & 65*)
- (a) all members of the management committee (other than the member (if any) deemed to be appointed under paragraph 2(2) in his capacity as the tenants' representative);
 - (b) if the secretary of the management committee is not a member of the management committee, the secretary; and
 - (c) if the treasurer of the management committee is not a member of the management committee, the treasurer,
- shall retire from office. (*Amended 5 of 2007 s. 27*)
- (2) At an annual general meeting of a corporation at which the members of the management committee retire under subparagraph (1)—
- (a) subject to subparagraph (2A), the corporation shall, by a resolution passed at the general meeting, appoint, from amongst the owners, the members of a new management committee;
 - (b) the corporation shall, by a resolution passed at the general meeting—
 - (i) appoint a person, from amongst the members of the new management committee, as the chairman of the new management committee;
 - (ii) appoint a person, whether or not he is a member of the new management committee, as the secretary of the new management committee; and

- 管理委員會委員，而一項表明此意的決議據此當作根據第(2)(a)節獲通過；
- (b) 如候選人的數目多於須委任的新一屆管理委員會委員的數目——
- (i) 投票和點票須按照簡單或相對多數投票制(亦稱為“得票最多者當選”投票制)進行，而在該制度下——
- (A) 業主可投票選取的候選人的數目，不得多於須委任的新一屆管理委員會委員的數目；及
- (B) 候選人按得票多寡順序排列，數目相等於須委任的新一屆管理委員會委員數目的最前列候選人，須獲委任為新一屆管理委員會委員；
- (ii) 如在點票結束後，尚須委任新一屆管理委員會委員，而得票最多的餘下候選人獲相同的票數，則主持會議的人須以抽籤方式決定結果，中籤的候選人須獲委任為新一屆管理委員會委員。(由 2007 年第 5 號第 27 條增補)
- (2C) 為根據第(2)(b)及(c)節委任新一屆管理委員會主席、副主席(如適用的話)、秘書及司庫的目的——
- (a) 如只有一名候選人競選新一屆管理委員會委員主席、副主席、秘書或司庫的職位，則該候選人須當作獲委任為新一屆管理委員會主席、副主席、秘書或司庫(視屬何情況而定)，而一項表明此意的決議據此當作根據第(2)(b)或(c)節(視屬何情況而定)獲通過；
- (b) 如有多於一名候選人競選新一屆管理委員會主席、副主席、秘書或司庫的職位——
- (i) 投票和點票須按照簡單或相對多數投票制(亦稱為“得票最多者當選”投票制)進行，而在該制度下，得票最多的候選人須獲委任為新一
- (iii) appoint a person, whether or not he is a member of the new management committee, as the treasurer of the new management committee; and
- (c) the corporation may, by a resolution passed at the general meeting, appoint a person, from amongst the members of the new management committee, as the vice-chairman of the new management committee. *(Replaced 5 of 2007 s. 27)*
- (2A) The tenants' representative appointed under section 15(1) shall be deemed to be appointed by the corporation as a member of the new management committee. *(Added 5 of 2007 s. 27)*
- (2B) For the purposes of appointing the members of the new management committee under subparagraph (2)(a)—
- (a) where the number of candidates is not more than the number of members of the new management committee to be appointed, the candidates shall be deemed to be appointed as members of the new management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (2)(a) accordingly;
- (b) where there are more candidates than the number of members of the new management committee to be appointed—
- (i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the “first past the post” system of voting), under which—
- (A) an owner may vote for not more than the number of members of the new management committee to be appointed; and

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- 屆管理委員會主席、副主席、秘書或司庫(視屬何情況而定)；
- (ii) 如在點票結束後，競選新一屆管理委員會主席、副主席、秘書或司庫的職位而得票最多的候選人獲相同的票數，則主持會議的人須以抽籤方式決定結果，中籤的候選人須獲委任為新一屆管理委員會主席、副主席、秘書或司庫(視屬何情況而定)。(由 2007 年第 5 號第 27 條增補)
- (3) 根據第 (1) 節卸任的管理委員會委員，有資格根據第 (2) 節再獲委任。(由 2007 年第 5 號第 65 條修訂)
- (4) 任何並非根據第 (2)(a) 節獲委任為新一屆管理委員會委員的人，並不憑藉他根據第 (2)(b)(ii) 或 (iii) 節獲委任為新一屆管理委員會秘書或司庫(視屬何情況而定)而成為新一屆管理委員會委員。(由 2007 年第 5 號第 27 條增補)

- (B) the candidates to be appointed as members of the new management committee are those who obtain the greatest number of votes and then the next greatest and so on until the required number of members of the new management committee is appointed;
- (ii) if, after the counting is finished, a member of the new management committee is still to be appointed and the most successful candidates remaining have an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed as a member of the new management committee. *(Added 5 of 2007 s. 27)*
- (2C) For the purposes of appointing the chairman, vice-chairman (if applicable), secretary and treasurer of the new management committee under subparagraph (2)(b) and (c)—
- (a) where there is only one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the new management committee, the candidate shall be deemed to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the new management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (2)(b) or (c), as the case may be, accordingly;
- (b) where there is more than one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the new management committee—
- (i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the “first past the post” system of voting), under which the candidate to be appointed as the chairman, vice-chairman,

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5A. 根據第 4(2) 或 (4) 段停任管理委員會委員或根據第 5(1) 段卸任且不尋求再獲委任的委員，須在其停任或卸任（視屬何情況而定）後的 14 天內，將在其控制下或在其保管或管有下的與建築物的控制、管理及行政事宜有關的任何帳簿、帳項紀錄、文據、文件及其他紀錄，連同屬於法團的任何動產，移交管理委員會秘書或（如秘書的職位出缺）主席。

- secretary or treasurer, as the case may be, of the new management committee is the candidate who obtains the greatest number of votes;
- (ii) if, after the counting is finished, the most successful candidates for the office of the chairman, vice-chairman, secretary or treasurer of the new management committee have an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the new management committee. *(Added 5 of 2007 s. 27)*
- (3) Members of the management committee who retire under sub-paragraph (1) shall be eligible for re-appointment under sub-paragraph (2).
- (4) A person who is not a member of the new management committee appointed under subparagraph (2)(a) does not by virtue of his appointment as the secretary or treasurer of the new management committee under subparagraph (2)(b)(ii) or (iii), as the case may be, become a member of the new management committee. *(Added 5 of 2007 s. 27)*
- 5A. A member of a management committee who ceases to be a member of the committee under paragraph 4(2) or (4) or retires from office under paragraph 5(1) and does not seek re-appointment to the committee shall, within 14 days of his ceasing to be a member or of his retirement, as the case may be, hand over to the secretary or, if the office of the secretary is vacant, the chairman of the management committee any books or records of account, papers,

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(由 1993 年第 27 號第 39 條增補。由 2007 年第 5 號第 27 及 65 條修訂)

documents and other records in respect of the control, management and administration of the building together with any movable property belonging to the corporation that are under his control or in his custody or possession.

(Added 27 of 1993 s. 39. Amended 5 of 2007 s. 27)

6. (1) 儘管有第 1 段的規定，除第 (1A) 節及第 6A 段另有規定外，非因任期屆滿而出現的管理委員會職位空缺，可由法團或管理委員會根據第 (3)、(4) 或 (5) 節 (視情況所需而定) 進行填補。 (由 2007 年第 5 號第 27 條代替)
- (1A) 如因租客代表因任何理由停任管理委員會委員而造成空缺，該空缺可由認可組織 (第 15(2) 條所指者) 根據第 15(1) 條委任一名新租客代表填補。 (由 2007 年第 5 號第 27 條代替)
- (1B) (由 2007 年第 5 號第 27 條廢除)
- (2) (由 2007 年第 5 號第 27 條廢除)
- (3) 如管理委員會委員的職位出現空缺 (因租客代表停任管理委員會委員而造成的空缺除外) ——
- (a) 法團可藉在法團業主大會上通過的決議，委任一名業主填補該空缺，直至下一次管理委員會委員根據第 5(1) 段卸任的法團業主周年大會為止；或
- (b) 如沒有如此召開法團業主大會或沒有在如此召開的業主大會上委任任何人填補該空缺，管理委員會可委任一名業主填補該空缺，直至下一次法團業主大會為止。 (由 2007 年第 5 號第 27 條增補)
- (4) 如管理委員會主席或副主席的職位出現空缺 ——
- (a) 法團可藉在法團業主大會上通過的決議，從管理委員會委員當中委任一人填補該空缺，直至下一次管

6. (1) Notwithstanding paragraph 1, subject to subparagraph (1A) and paragraph 6A, a vacancy in a management committee which occurs other than by reason of the expiration of the term of office may be filled by the corporation or the management committee under subparagraph (3), (4) or (5), as the case requires. *(Replaced 5 of 2007 s. 27)*
- (1A) If the vacancy is caused by the tenants' representative ceasing to be a member of the management committee for whatever reason, the vacancy may be filled by the approved association (within the meaning of section 15(2)) appointing a new tenants' representative under section 15(1). *(Replaced 5 of 2007 s. 27)*
- (1B) *(Repealed 5 of 2007 s. 27)*
- (2) *(Repealed 5 of 2007 s. 27)*
- (3) If the vacancy occurs in the office of a member of a management committee (other than a vacancy caused by the tenants' representative ceasing to be a member of the management committee) —
- (a) the corporation may, by a resolution passed at a general meeting of the corporation, appoint an owner to fill the vacancy till the next annual general meeting of the corporation at which the members of the management committee retire under paragraph 5(1); or

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- 理委員會委員根據第 5(1) 段卸任的法團業主周年大會為止；或
- (b) 如沒有如此召開法團業主大會或沒有在如此召開的業主大會上委任任何人填補該空缺，管理委員會委員可從他們當中委任一人填補該空缺，直至下一次法團業主大會為止。(由 2007 年第 5 號第 27 條增補)
- (5) 如管理委員會秘書或司庫的職位出現空缺——
- (a) 法團可藉在法團業主大會上通過的決議，委任一人(不論該人是否管理委員會委員)填補該空缺，直至下一次管理委員會委員根據第 5(1) 段卸任的法團業主周年大會為止；或
- (b) 如沒有如此召開法團業主大會或沒有在如此召開的業主大會上委任任何人填補該空缺，管理委員會可委任一人(不論該人是否管理委員會委員)填補該空缺，直至下一次法團業主大會為止。(由 2007 年第 5 號第 27 條增補)
- (6) 任何並非管理委員會委員的人，並不憑藉他根據第 (5)(a) 或 (b) 節獲委任為管理委員會秘書或司庫(視屬何情況而定)而成為管理委員會委員。(由 2007 年第 5 號第 27 條增補)
- (7) 為根據第 (3)(a) 節填補管理委員會委員的職位空缺的目的——
- (a) 如候選人的數目不多於須委任的管理委員會委員的數目，則該等候選人須當作獲委任為管理委員會委員，而一項表明此意的決議據此當作根據第 (3)(a) 節獲通過；
- (b) 如候選人的數目多於須委任的管理委員會委員的數目——
- (i) 投票和點票須按照簡單或相對多數投票制(亦稱為“得票最多者當選”投票制)進行，而在該制度下——

- (b) if no general meeting of the corporation has been so convened or no appointment is made to fill the vacancy at a general meeting so convened, the management committee may appoint an owner to fill the vacancy till the next general meeting of the corporation. (*Added 5 of 2007 s. 27*)
- (4) If the vacancy occurs in the office of the chairman or vice-chairman of a management committee—
- (a) the corporation may, by a resolution passed at a general meeting of the corporation, appoint a person, from amongst the members of the management committee, to fill the vacancy till the next annual general meeting of the corporation at which the members of the management committee retire under paragraph 5(1); or
- (b) if no general meeting of the corporation has been so convened or no appointment is made to fill the vacancy at a general meeting so convened, the members of the management committee may appoint a person, from amongst themselves, to fill the vacancy till the next general meeting of the corporation. (*Added 5 of 2007 s. 27*)
- (5) If the vacancy occurs in the office of the secretary or treasurer of a management committee—
- (a) the corporation may, by a resolution passed at a general meeting of the corporation, appoint a person, whether or not he is a member of the management committee, to fill the vacancy till the next annual general meeting of the corporation at which the members of the management committee retire under paragraph 5(1); or
- (b) if no general meeting of the corporation has been so convened or no appointment is made to fill the vacancy at a general meeting so convened, the management

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- (A) 業主可投票選取的候選人的數目，不得多於須委任的管理委員會委員的數目；及
- (B) 候選人按得票多寡順序排列，數目相等於須委任的管理委員會委員數目的最前列候選人須獲委任為管理委員會委員；
- (ii) 如在點票結束後，尚須委任管理委員會委員，而得票最多的餘下候選人獲相同的票數，則主持會議的人須以抽籤方式決定結果，中籤的候選人須獲委任為管理委員會委員。(由 2007 年第 5 號第 27 條增補)
- (8) 為根據第 (4)(a) 節填補管理委員會主席或副主席的職位空缺，或根據第 (5)(a) 節填補管理委員會秘書或司庫的職位空缺的目的——
- (a) 如只有一名候選人競選管理委員會主席、副主席、秘書或司庫的職位，則該候選人須當作獲委任為管理委員會主席、副主席、秘書或司庫(視屬何情況而定)，而一項表明此意的決議據此當作根據第 (4)(a) 或 (5)(a) 節(視屬何情況而定)獲通過；
- (b) 如有多於一名候選人競選管理委員會主席、副主席、秘書或司庫的職位——
- (i) 投票和點票須按照簡單或相對多數投票制(亦稱為“得票最多者當選”投票制)進行，而在該制度下，得票最多的候選人須獲委任為管理委員會主席、副主席、秘書或司庫(視屬何情況而定)；

- committee may appoint a person, whether or not he is a member of the management committee, to fill the vacancy till the next general meeting of the corporation. (*Added 5 of 2007 s. 27*)
- (6) A person who is not a member of a management committee does not by virtue of his appointment as the secretary or treasurer of the management committee under subparagraph (5)(a) or (b), as the case may be, become a member of the management committee. (*Added 5 of 2007 s. 27*)
- (7) For the purposes of filling the vacancy occurring in the office of a member of a management committee under subparagraph (3)(a)—
- (a) where the number of candidates is not more than the number of members of the management committee to be appointed, the candidates shall be deemed to be appointed as members of the management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (3)(a) accordingly;
- (b) where there are more candidates than the number of members of the management committee to be appointed—
- (i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the “first past the post” system of voting), under which—
- (A) an owner may vote for not more than the number of members of the management committee to be appointed; and
- (B) the candidates to be appointed as members of the management committee are those who obtain the greatest number of votes and then the next greatest and so on until the required

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- (ii) 如在點票結束後，競選管理委員會主席、副主席、秘書或司庫的職位而得票最多的候選人獲相同的票數，則主持會議的人須以抽籤方式決定結果，中籤的候選人須獲委任為管理委員會主席、副主席、秘書或司庫（視屬何情況而定）。（由 2007 年第 5 號第 27 條增補）

number of members of the management committee is appointed;

- (ii) if, after the counting is finished, a member of the management committee is still to be appointed and the most successful candidates remaining have an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed as a member of the management committee. (*Added 5 of 2007 s. 27*)
- (8) For the purposes of filling the vacancy occurring in the office of the chairman or vice-chairman of a management committee under subparagraph (4)(a), or the office of the secretary or treasurer of a management committee under subparagraph (5)(a)—
- (a) where there is only one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the management committee, the candidate shall be deemed to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the management committee, and a resolution to that effect shall be deemed to be passed under subparagraph (4)(a) or (5)(a), as the case may be, accordingly;
- (b) where there is more than one candidate for the office of the chairman, vice-chairman, secretary or treasurer of the management committee—
- (i) the votes shall be given and counted in accordance with the simple or relative majority system of voting (otherwise known as the “first past the post” system of voting), under which the candidate to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the

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- 6A. (1) 儘管有第 1 及 9 段的規定，如管理委員會委員的職位空缺的數目，多於根據第 2(1)(a) 段決定的管理委員會委員人數的 50%，或（如該人數其後根據第 1(3) 段更改）多於更改後的人數的 50% ——
- (a) 管理委員會主席可為（並只可為）填補管理委員會該等空缺而召開法團業主大會；或
- (b) 如其中一個空缺出現於管理委員會主席的職位，管理委員會餘下的委員可從他們當中委任一人為（並只可為）填補管理委員會該等空缺而召開法團業主大會。
- (2) 為根據第 (1) 節填補管理委員會的空缺的目的 ——
- (a) 第 6(3)(a)、(4)(a)、(5)(a)、(6)、(7) 及 (8) 段適用，一如該段適用於管理委員會委員的職位空缺的數目，不多於根據第 2(1)(a) 段決定的管理委員會委員人數的 50%，或（如該人數其後根據第 1(3) 段更改）不多於更改後的人數的 50% 的情況；及

- management committee is the candidate who obtains the greatest number of votes;
- (ii) if, after the counting is finished, the most successful candidates for the office of the chairman, vice-chairman, secretary or treasurer of the management committee have an equal number of votes, the person who presides at the meeting shall determine the result by drawing lots, and the candidate on whom the lot falls is to be appointed as the chairman, vice-chairman, secretary or treasurer, as the case may be, of the management committee. (*Added 5 of 2007 s. 27*)

- 6A. (1) Notwithstanding paragraphs 1 and 9, where the number of vacancies occurring in the offices of members of a management committee is more than 50% of the number of members of the management committee as decided under paragraph 2(1)(a) or, if that number of members has been changed under paragraph 1(3), 50% of the number of members so changed—
- (a) the chairman of the management committee may convene a general meeting of the corporation for the sole purpose of filling the vacancies in the management committee; or
- (b) if one of the vacancies occurs in the office of the chairman of the management committee, the remaining members of the management committee may appoint a person, from amongst themselves, to convene a general meeting of the corporation for the sole purpose of filling the vacancies in the management committee.

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- (b) 附表 3(該附表第 1 段除外)在作出以下變通後適用，一如該附表適用於由管理委員會召開的法團業主大會——
- (i) 如法團業主大會根據第 (1)(a) 節召開，而其中一個空缺出現於管理委員會秘書的職位，附表 3 提述管理委員會秘書之處，須解釋為提述管理委員會主席；
 - (ii) 如法團業主大會根據第 (1)(b) 節召開，附表 3 提述管理委員會主席之處，須解釋為提述根據該節獲委任召開該會議的人；
 - (iii) 如法團業主大會根據第 (1)(b) 節召開，而其中一個空缺出現於管理委員會秘書的職位，附表 3 提述管理委員會秘書之處，須解釋為提述根據該節獲委任召開該會議的人。

(由 2007 年第 5 號第 27 條增補)

- (2) For the purposes of filling the vacancies in a management committee under subparagraph (1)—
- (a) paragraph 6(3)(a), (4)(a), (5)(a), (6), (7) and (8) shall apply as it applies where the number of vacancies occurring in the offices of members of a management committee is not more than 50% of the number of members of the management committee as decided under paragraph 2(1)(a) or, if that number of members has been changed under paragraph 1(3), 50% of the number of members so changed; and
 - (b) Schedule 3 (except paragraph 1 of that Schedule) shall, subject to the following modifications, apply as it applies to a general meeting of the corporation convened by a management committee—
 - (i) where the general meeting of the corporation is convened under subparagraph (1)(a) and one of the vacancies occurs in the office of the secretary of the management committee, the references to the secretary of the management committee in Schedule 3 shall be construed as references to the chairman of the management committee;
 - (ii) where the general meeting of the corporation is convened under subparagraph (1)(b), the references to the chairman of the management committee in Schedule 3 shall be construed as references to the person appointed under that subparagraph to convene the meeting;
 - (iii) where the general meeting of the corporation is convened under subparagraph (1)(b) and one of the vacancies occurs in the office of the secretary of the management committee, the references to the secretary of the management committee in Schedule 3 shall be construed as references to

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the person appointed under that subparagraph to convene the meeting.

(Added 5 of 2007 s. 27)

7. 管理委員會須最少每 3 個月舉行一次會議。
(由 1993 年第 27 號第 39 條代替)

7. A management committee shall meet at least once in every period of 3 months.

(Replaced 27 of 1993 s. 39)

8. (1) 管理委員會會議——
- (a) 可由主席隨時召開，而主席不在時，則由副主席(如有的話)召開；及
 - (b) 須由秘書在收到 2 名管理委員會委員的要求後 14 天內召開，並在收到該要求後 21 天內舉行。(由 2007 年第 5 號第 27 條修訂)
- (2) 秘書須在管理委員會會議日期至少 7 天前，向每一名管理委員會委員及(如管理委員會司庫並非管理委員會委員)管理委員會司庫發出會議通知，並在建築物的顯眼處展示該會議通知。(由 2007 年第 5 號第 27 條代替)
- (2AA) 會議通知須指明——
- (a) 會議日期、時間和地點；及
 - (b) 擬在會議上提出的決議(如有的話)。(由 2007 年第 5 號第 27 條增補)
- (2A) 會議通知可藉以下方式發出——
- (a) 面交管理委員會委員或(如管理委員會司庫並非管理委員會委員)管理委員會司庫；

8. (1) A meeting of a management committee—
- (a) may be convened at any time by the chairman or the vice-chairman (if any) in the absence of the chairman; and
 - (b) shall be convened by the secretary, at the request of any 2 members thereof, within 14 days of receiving such request, and held within 21 days of receiving such request. *(Amended 5 of 2007 s. 27)*
- (2) The secretary shall, at least 7 days before the date of the meeting of the management committee, give notice of the meeting to each member of the management committee and (if the treasurer of the management committee is not a member of the management committee) the treasurer of the management committee, and display the notice of meeting in a prominent place in the building. *(Replaced 5 of 2007 s. 27)*
- (2AA) The notice of meeting shall specify—
- (a) the date, time and place of the meeting; and
 - (b) the resolutions (if any) that are to be proposed at the meeting. *(Added 5 of 2007 s. 27)*

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- (b) 按該委員或(如適用的話)司庫最後為人所知的地址郵寄給他;或
- (c) 留在該委員或(如適用的話)司庫的單位內或放入為該單位而設的信箱內。(由 2007 年第 5 號第 27 條代替)
- (3) (由 2007 年第 5 號第 27 條廢除)

9. 管理委員會會議的法定人數,須為管理委員會委員人數的 50%(計至最接近的整數),或 3 名此等委員,兩者以其人數多者為準。
- (由 1993 年第 27 號第 39 條代替)

10. (1) 管理委員會會議須由以下的人主持——
- (a) 主席;或
- (aa) 主席缺席時,由副主席(如有的話)主持;或(由 1993 年第 27 號第 39 條增補)
- (b) 主席及副主席(如有的話)皆缺席時,由管理委員會選出一名委員作為該次會議的主席。

- (2A) The notice of meeting may be given—
- (a) by delivering it personally to the member of the management committee or (if the treasurer of the management committee is not a member of the management committee) the treasurer of the management committee;
- (b) by sending it by post to the member or, if applicable, the treasurer, at his last known address; or
- (c) by leaving it at the flat of the member or, if applicable, the treasurer or depositing it in the letter box for that flat. (Replaced 5 of 2007 s. 27)
- (3) (Repealed 5 of 2007 s. 27)

9. The quorum at a meeting of the management committee shall be 50% of the members of the management committee (rounded up to the nearest whole number) or 3 such members, whichever is the greater.
- (Replaced 27 of 1993 s. 39)

10. (1) A meeting of a management committee shall be presided over by—
- (a) the chairman; or
- (aa) in the absence of the chairman, the vice-chairman (if any); or (Added 27 of 1993 s. 39)
- (b) in the absence of the chairman and the vice-chairman (if any), a member appointed as chairman for that meeting by the management committee.

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- (2) 授權或要求管理委員會進行的一切作為、事務、事情，均可由出席管理委員會會議的委員，以過半數票通過決議決定。*(由 2007 年第 5 號第 65 條修訂)*
- (3) 管理委員會會議上，出席的每名委員就委員會席前的每項問題均有一票，但如雙方票數相同，則主持會議者除原有的普通票一票外，另有決定性一票。
- (4) 管理委員會每次開會，有關會議過程的會議紀錄，須由秘書保存。
- (4A) 第 (4) 節所提述的會議紀錄，須由主持會議者核證其為與其有關的管理委員會會議過程的真實紀錄。*(由 1993 年第 27 號第 39 條增補)*
- (4B) 秘書須將按照第 (4A) 節核證的會議紀錄，在該會議紀錄所關乎的管理委員會會議的日期後的 28 天內，展示於建築物的顯眼處，並致使該會議紀錄保持如此展示至少連續 7 天。*(由 2007 年第 5 號第 27 條代替)*
- (5) 除本條例另有規定外，管理委員會會議程序須如管理委員會所決定者。
- 10A. (1) 管理委員會須將按照第 10(4A) 段核證的會議紀錄保存一段由法團決定的不少於 6 年的期間。
- (2) 如租客代表、業主、已登記承按人或任何由業主或已登記承按人就此而以書面妥為授權的人，以書面要求法團

- (2) All acts, matters or things authorized or required to be done by the management committee may be decided by a resolution passed by a majority of the votes of members of the management committee present at a meeting of the management committee.
- (3) At a meeting of the management committee, each member present shall have one vote on a question before the committee and if there is an equality of votes the person presiding over the meeting shall have, in addition to a deliberative vote, a casting vote.
- (4) The secretary shall keep minutes of the proceedings at every meeting of a management committee.
- (4A) The minutes referred to in subparagraph (4) shall be certified by the person presiding over the meeting as containing a true record of the proceedings of the meeting of the management committee to which they relate. *(Added 27 of 1993 s. 39)*
- (4B) The secretary shall display the minutes certified in accordance with subparagraph (4A) in a prominent place in the building within 28 days of the date of the meeting of the management committee to which the minutes relate, and cause the minutes to remain so displayed for at least 7 consecutive days. *(Replaced 5 of 2007 s. 27)*
- (5) Subject to this Ordinance, the procedure at meetings of a management committee shall be as is determined by the management committee.
- 10A. (1) The minutes certified in accordance with paragraph 10(4A) shall be kept by the management committee for such period, being not less than 6 years, as the corporation may determine.

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向他提供按照第 10(4A) 段核證的會議紀錄的副本，則秘書在收取管理委員會釐定的合理的複印費後，須將副本提供給該人。

(由 2007 年第 5 號第 27 條增補)

- (2) If the tenants' representative, an owner, a registered mortgagee or any person duly authorized in writing in that behalf by an owner or registered mortgagee requests in writing the corporation to supply him with copies of any minutes certified in accordance with paragraph 10(4A), the secretary shall, on the payment of such reasonable copying charge as the management committee may determine, supply such copies to that person.

(Added 5 of 2007 s. 27)

11. (1) 凡業主或其他人乃法人團體，而根據本附表獲委任為管理委員會委員，則該法人團體可為本條例的施行而委任該團體的董事或其他高級職員，或其他個人，作為其代表 (**獲授權代表** (authorized representative))，猶如該獲授權代表乃以其本身的權利作為管理委員會委員一樣，而第 4(1)、(2)(a)、(b)、(c)、(d) 及 (f)、(3)、(4) 及 (5) 段適用於該獲授權代表。(由 2007 年第 5 號第 27 條修訂)
- (2) 如獲授權代表根據第 4(2)(a)、(b)、(c)、(d) 或 (f) 或 (4) 段停任管理委員會委員，則該法人團體可委任另一獲授權代表以取代他，而第 4(1)、(2)(a)、(b)、(c)、(d) 及 (f)、(3)、(4) 及 (5) 段適用於該另一獲授權代表。(由 2007 年第 5 號第 27 條代替)

(由 1993 年第 27 號第 39 條增補)

11. (1) Where an owner or other person, being a body corporate, is appointed as a member of a management committee under this Schedule that body corporate may appoint a director or other officer of that body or some other individual to act as its representative (**authorized representative** (獲授權代表)) for the purposes of this Ordinance as if the authorized representative were a member of the management committee in his own right and paragraph 4(1), (2)(a), (b), (c), (d) and (f), (3), (4) and (5) shall apply to the authorized representative. (Amended 5 of 2007 s. 27)
- (2) If an authorized representative ceases to be a member of a management committee under paragraph 4(2)(a), (b), (c), (d) or (f) or (4), the body corporate may appoint another authorized representative in his place, and paragraph 4(1), (2)(a), (b), (c), (d) and (f), (3), (4) and (5) shall apply to that other authorized representative. (Replaced 5 of 2007 s. 27)

(Added 27 of 1993 s. 39)

12. 如本附表與公契或任何其他協議的條款有任何不一致之處，

12. In the event of any inconsistency between this Schedule and the

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即以本附表為準。

(由 1993 年第 27 號第 39 條增補)
(由 1993 年第 27 號第 39 及 42 條修訂)

terms of a deed of mutual covenant or any other agreement, this Schedule shall prevail.

(Added 27 of 1993 s. 39)
(Amended 27 of 1993 ss. 39 & 42)

附表 3

[第 8、10、27、30、34D 及
42 條及附表 2 及 11]
(由 2007 年第 5 號第 28 條修訂)

法團會議及其程序

1. (1) 管理委員會須 ——
 - (a) 在法團註冊成立之日起計 15 個月內召開法團的第一次業主周年大會；
 - (b) 在第一次或前一次業主周年大會後不早於 12 個月，但不遲於 15 個月，召開一次業主周年大會；(由 1993 年第 27 號第 40 條代替)
 - (c) 就管理委員會認為恰當的事宜隨時召開法團的業主大會。
- (2) 在不少於 5% 的業主要求下，管理委員會主席須在收到要求後 14 天內，就業主所指明的事宜召開法團的業主大會，並在收到要求後的 45 天內舉行該業主大會。(由 2007 年第 5 號第 28 條修訂)

2. (1) 管理委員會秘書須在法團會議日期至少 14 天前，向每一名業主及租客代表(如有的話)發出會議通知。(由 2007 年第 5 號第 28 條代替)
- (1AA) 會議通知須指明 ——

Schedule 3

[ss. 8, 10, 27, 30, 34D & 42
& Schs. 2 & 11]
(Amended 5 of 2007 s. 28)

Meetings and Procedure of Corporation

1. (1) The management committee shall convene—
 - (a) the first annual general meeting of a corporation not later than 15 months after the date of the registration of the corporation;
 - (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; (*Replaced 27 of 1993 s. 40*)
 - (c) a general meeting of the corporation at any time for such purposes as the management committee thinks fit.
- (2) The chairman of the management committee shall convene a general meeting of the corporation 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. (*Amended 5 of 2007 s. 28*)

2. (1) The secretary of the management committee shall, at least 14 days before the date of the meeting of the corporation, give notice of the meeting to each owner and the tenants' representative (if any). (*Replaced 5 of 2007 s. 28*)

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- (a) 會議日期、時間和地點；及
- (b) 擬在會議上提出的決議（如有的話）或其他擬在會議上討論的事宜。（由 2007 年第 5 號第 28 條增補）
- (1A) 會議通知可藉以下方式發出——（由 2007 年第 5 號第 28 條修訂）
- (a) 面交業主或租客代表（如有的話）；或
- (b) 按業主或租客代表（如有的話）最後為人所知的地址郵寄給他；或
- (c) 留在業主或租客代表（如有的話）的單位內或放入為該單位而設的信箱內。（由 2007 年第 5 號第 28 條代替）
- (2) 秘書亦須在法團會議日期至少 14 天前，在建築物的顯眼處展示會議通知。（由 2007 年第 5 號第 28 條代替）
3. (1) 法團會議須由以下的人主持——
- (a) 管理委員會主席；
- (b) （如管理委員會主席缺席）管理委員會副主席（如有的話）；或
- (c) （如管理委員會主席及副主席（如有的話）均缺席）出席會議的業主所委任的他們當中一人。（由 2007 年第 5 號第 28 條代替）

- (1AA) The notice of meeting shall specify—
- (a) the date, time and place of the meeting; and
- (b) the resolutions (if any) that are to be proposed at the meeting or other matters that are to be discussed at the meeting. *(Added 5 of 2007 s. 28)*
- (1A) The notice of meeting may be given— *(Amended 5 of 2007 s. 28)*
- (a) by delivering it personally to the owner or tenants' representative (if any); or
- (b) by sending it by post to the owner or tenants' representative (if any) at his last known address; or
- (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. *(Replaced 5 of 2007 s. 28)*
- (Added 27 of 1993 s. 40. Amended 12 of 1998 s. 8; 5 of 2007 s. 28)*
- (2) The secretary shall also, at least 14 days before the date of the meeting of the corporation, display the notice of meeting in a prominent place in the building. *(Replaced 5 of 2007 s. 28)*
3. (1) A meeting of the corporation shall be presided over by—
- (a) the chairman of the management committee;
- (b) in the absence of the chairman of the management committee, the vice-chairman (if any) of the management committee; or
- (c) in the absence of the chairman and the vice-chairman (if any) of the management committee, a person appointed

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- (2) (由 2007 年第 5 號第 28 條廢除)
- (3) 除第 10(1) 條及附表 2 第 5(2)、(2B) 及 (2C)、6(3)(a)、(4)(a)、(5)(a)、(7) 及 (8) 及 6A(2)(a) 段另有規定外，在出席人數達到法定人數的法團會議上提出的一切事項，均由親自投票或委派代表投票的業主以過半數票決定。(由 2007 年第 5 號第 28 條修訂)
- (4) 如贊成和反對雙方的票數相同，則主持會議者除原有的普通票一票外，另有決定性的一票。
- (5) (a) 在任何法團會議上，除公契(如有的話)另有規定外，並在不抵觸第(6)節的情況下，業主每擁有一份份數，即有一票。(由 1993 年第 8 號第 2 條修訂；由 2007 年第 5 號第 28 條修訂)
- (b) 如有 2 人或多於 2 人是某份數的共同擁有人，則該份數的票——
- (i) 可由共同擁有人共同委任的代表投下；
 - (ii) 可由共同擁有人所委任的他們當中一人投下；或
 - (iii) 如沒有根據第(i)或(ii)小分節作出委任，則可由其中一名共同擁有人親自投下，或由其中一名共同擁有人委任的代表投下。(由 2007 年第 5 號第 28 條代替)
- (c) 如有 2 人或多於 2 人是某份數的共同擁有人，而有多於一名共同擁有人擬就該份數投票，則只有由在土地註冊處備存的註冊紀錄冊內就該份數而記錄排名最先的共同擁有人所投的票(不論親自投下或委派代表投下)，才視作有效。(由 2007 年第 5 號第 28 條增補)
- (6) 如業主的單位由已登記承按人管有，該承按人即有權行使業主的投票權，而業主則不能投票。

- by the owners present at the meeting from amongst themselves. (Replaced 5 of 2007 s. 28)
- (2) (Repealed 5 of 2007 s. 28)
- (3) Subject to section 10(1) and paragraphs 5(2), (2B) and (2C), 6(3)(a), (4)(a), (5)(a), (7) and (8) and 6A(2)(a) of Schedule 2, all matters arising at a meeting of the corporation at which a quorum is present shall be decided by a majority of the votes of the owners voting either personally or by proxy. (Amended 5 of 2007 s. 28)
- (4) If there is an equality of votes the person presiding over the meeting shall have, in addition to a deliberative vote, a casting vote.
- (5) (a) At any meeting of the corporation an owner shall, unless the deed of mutual covenant (if any) otherwise provides and subject to sub-paragraph (6), have one vote in respect of each share which he owns. (Amended 8 of 1993 s. 2; 5 of 2007 s. 28)
- (b) Where 2 or more persons are the co-owners of a share, the vote in respect of the share may be cast—
- (i) by a proxy jointly appointed by the co-owners;
 - (ii) by a person appointed by the co-owners from amongst themselves; or
 - (iii) if no appointment is made under sub-sub-paragraph (i) or (ii), either by one of the co-owners personally or by a proxy appointed by one of the co-owners. (Replaced 5 of 2007 s. 28)
- (c) 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

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- (7) 法團會議通過的決議，除非決議已列載於按照第 2 段發給業主的通知內，或附加或附帶於如此列載的決議或其他事項，否則無效。（由 2007 年第 5 號第 28 條修訂）
- (8) 第(7)節的規定，不阻礙已修訂決議在法團會議上的通過。
4. (1) 在法團會議上，業主可親自投票或委派代表投票。（由 2007 年第 5 號第 28 條代替）
- (2) 委任代表的文書須符合附表 1A 表格 2 所列的格式，——（由 2007 年第 5 號第 28 條修訂）
- (a) 並須由業主簽署；或
- (b) 如業主是法人團體，則須（即使其章程另有規定）蓋上其印章或圖章並由獲該法人團體就此而授權的人簽署。（由 2007 年第 5 號第 28 條修訂）
- (3) 委任代表的文書須在會議舉行時間至少 48 小時前送交管理委員會秘書。（由 2007 年第 5 號第 28 條代替）
- (4) 委任代表的文書須按照第(2)及(3)節訂立和送交，方屬有效。（由 2007 年第 5 號第 28 條增補）
- (5) 凡有委任代表的文書送交管理委員會秘書 ——
- (a) 秘書須 ——

- that share in the register kept at the Land Registry shall be treated as valid. (*Added 5 of 2007 s. 28*)
- (6) 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.
- (7) No resolution passed at any meeting of the corporation shall have effect unless the same was set forth in the notice given in accordance with paragraph 2 or is ancillary or incidental to a resolution or other matter so set forth. (*Amended 5 of 2007 s. 28*)
- (8) Nothing in sub-paragraph (7) shall preclude the passing of a resolution as amended at a meeting of a corporation.
4. (1) At a meeting of the corporation, an owner may cast a vote personally or by proxy. (*Amended 5 of 2007 s. 28*)
- (2) The instrument appointing a proxy shall be in the form set out in Form 2 in Schedule 1A, and— (*Amended 5 of 2007 s. 28*)
- (a) shall be signed by the owner; or
- (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. (*Amended 5 of 2007 s. 28*)
- (3) The instrument appointing a proxy shall be lodged with the secretary of the management committee at least 48 hours before the time for the holding of the meeting. (*Replaced 5 of 2007 s. 28*)

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- (i) 在會議舉行的時間前，將收據留在訂立該文書的業主的單位內或放入為該單位而設的信箱內，藉以確認收到該文書；及
- (ii) 在會議舉行的時間前，在會議地點的顯眼處展示該業主的單位的資料，並致使該資料保持如此展示，直至會議結束為止；及
- (b) 管理委員會主席或(如他缺席)主持會議的人須按照第(4)節決定該文書是否有效。(由 2007 年第 5 號第 28 條增補)
- (6) 管理委員會須保留所有送交管理委員會秘書的委任代表的文書，為期自會議結束後起計至少 12 個月。(由 2007 年第 5 號第 28 條增補)
5. (1) 法團會議的法定人數 —— (由 2000 年第 69 號第 24 條修訂)
- (a) 如會議有決議建議根據第 30 條解散管理委員會，須為業主人數的 20%；或
- (4) The instrument appointing a proxy is valid only if it is made and lodged in accordance with subparagraphs (2) and (3). (*Added 5 of 2007 s. 28*)
- (5) Where an instrument appointing a proxy is lodged with the secretary of the management committee—
- (a) the secretary shall—
- (i) 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; and
- (ii) display information of the owner's flat in a prominent place in the place of the meeting before the time for the holding of the meeting, and cause the information to remain so displayed until the conclusion of the meeting; and
- (b) the chairman of the management committee or, if he is absent, the person who presides at the meeting, shall determine the validity of the instrument in accordance with subparagraph (4). (*Added 5 of 2007 s. 28*)
- (6) The management committee shall keep all the instruments for the appointment of proxies that have been lodged with the secretary of the management committee for a period of at least 12 months after the conclusion of the meeting. (*Added 5 of 2007 s. 28*)
5. (1) The quorum at a meeting of the corporation shall be— (*Amended 69 of 2000 s. 24*)

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- (b) 如屬其他情況，須為業主人數的 10%。(由 2007 年第 5 號第 66 條修訂)
- (2) 就會議而言，獲業主委任代表他出席法團會議和投票的代表須視為出席會議的該業主。(由 2007 年第 5 號第 28 條代替)
- 5A. (1) 除第 (2) 節另有規定外，凡根據第 1 段召開的法團會議延期舉行，第 2、3、4 及 5 段適用於該延會，一如該等條文適用於原來會議。
- (2) 凡根據第 1 段召開的法團會議延期舉行，就原來會議而言有效的委任代表的文書，除在以下情況下，就該延會而言仍屬有效——
- (a) 在該文書上表明相反意圖；
- (b) 該文書已予撤銷；或
- (c) 該文書被新的委任代表的文書取代。
- (由 2007 年第 5 號第 28 條增補)
6. (1) 法團每次業主大會，有關會議過程的會議紀錄，均須由管理委員會秘書保存。
- (2) 第 (1) 節所提述的會議紀錄，須由主持會議者核證其為與其有關的業主大會會議過程的真實紀錄。

- (a) 20% of the owners, in the case of a meeting at which a resolution for the dissolution of the management committee under section 30 is proposed; or
- (b) 10% of the owners in any other case.
- (2) A proxy appointed by an owner to attend and vote on behalf of the owner at a meeting of the corporation shall, for the purposes of the meeting, be treated as being the owner present at the meeting. *(Replaced 5 of 2007 s. 28)*
- 5A. (1) Subject to subparagraph (2), where a meeting of the corporation convened under paragraph 1 is adjourned, paragraphs 2, 3, 4 and 5 shall apply to the adjourned meeting as they apply to the original meeting.
- (2) Where a meeting of the corporation convened under paragraph 1 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—
- (a) contrary intention is shown on the instrument;
- (b) the instrument is revoked; or
- (c) the instrument is replaced by a new instrument appointing a proxy.

(Added 5 of 2007 s. 28)

6. (1) The secretary of the management committee shall keep minutes of the proceedings at every general meeting of the corporation.

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- (3) 秘書須將按照第(2)節核證的會議紀錄，在該會議紀錄所關乎的業主大會的日期後的 28 天內，展示於建築物的顯眼處，並致使該會議紀錄保持如此展示至少連續 7 天。
(由 2007 年第 5 號第 28 條代替)

(由 1993 年第 27 號第 40 條增補)

- 6A. (1) 管理委員會須將按照第 6(2) 段核證的會議紀錄保存一段由法團決定的不少於 6 年的期間。
- (2) 如租客代表、業主、已登記承按人或任何由業主或已登記承按人就此而以書面妥為授權的人，以書面要求法團向他提供按照第 6(2) 段核證的會議紀錄的副本，則秘書在收取管理委員會釐定的合理的複印費後，須將副本提供給該人。

(由 2007 年第 5 號第 28 條增補)

7. 業主大會的程序，須為法團所決定者。

(由 1993 年第 27 號第 40 條增補)

- (2) The minutes referred to in subparagraph (1) shall be certified by the person presiding over the meeting as containing a true record of the proceedings of the general meeting to which they relate.

- (3) The secretary shall display the minutes certified in accordance with subparagraph (2) in a prominent place in the building within 28 days of the date of the general meeting to which the minutes relate, and cause the minutes to remain so displayed for at least 7 consecutive days. *(Replaced 5 of 2007 s. 28)*

(Added 27 of 1993 s. 40)

- 6A. (1) The minutes certified in accordance with paragraph 6(2) shall be kept by the management committee for such period, being not less than 6 years, as the corporation may determine.

- (2) If the tenants' representative, an owner, a registered mortgagee or any person duly authorized in writing in that behalf by an owner or registered mortgagee requests in writing the corporation to supply him with copies of any minutes certified in accordance with paragraph 6(2), the secretary shall, on the payment of such reasonable copying charge as the management committee may determine, supply such copies to that person.

(Added 5 of 2007 s. 28)

7. The procedure at a general meeting shall be as is determined by the corporation.

(Added 27 of 1993 s. 40)

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8. 如本附表與公契或任何其他協議的條款有任何不一致之處，
即以本附表為準。
(由 1993 年第 27 號第 40 條增補)

8. In the event of any inconsistency between this Schedule and the
terms of a deed of mutual covenant or any other agreement, this
Schedule shall prevail.
(Added 27 of 1993 s. 40)

9. (由 2007 年第 5 號第 28 條廢除)
(由 1993 年第 27 號第 40 及 42 條修訂)

9. (Repealed 5 of 2007 s. 28)
(Amended 27 of 1993 ss. 40 & 42)

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附表 4

Schedule 4

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Cap. 344**附表 4**

[第 18 及 42 條]

(由 2007 年第 5 號第 29 條修訂)

管理委員會主席、副主席、秘書及司庫可得最高津貼額

(由 2007 年第 5 號第 29 條修訂)

項	單位數目	每人每月最高可得 \$
1.	不多於 50	600
2.	多於 50 但不多於 100	900
3.	多於 100	1,200

(由 1993 年第 27 號第 41 條增補。由 2007 年第 5 號第 29 條修訂)

Schedule 4

[ss. 18 & 42]

(Amended 5 of 2007 s. 29)

Maximum Allowances Payable to Chairman, Vice-chairman, Secretary and Treasurer of Management Committee

(Amended 5 of 2007 s. 29)

Item	Number of flats	Maximum per month for each person \$
1.	Not more than 50	600
2.	More than 50 but not more than 100	900
3.	More than 100	1,200

(Added 27 of 1993 s. 41. Amended 5 of 2007 s. 29)

附表 5

[第 21 及 42 條]
(由 2007 年第 5 號第 30 條修訂)

每年預算

1. 管理委員會根據第 21(1) 條釐定的款額，須以管理委員會就管理委員會根據該款指明的期間而擬備的預算為基準。
2. 第 1 段所提述的預算，須列明管理委員會認為會是應付第 20(1) 條所指明類別的各項付款合理所需的款項，又如根據第 20(2) 條設置一項備用基金，則須列明管理委員會認為會是應付該款所指明類別的各項付款合理所需的款項。
3. 如管理委員會認為，預算所列出的任何款項不足以應付擬用該款項支付的建議開支，則可就該預算擬備修訂預算。
(由 2007 年第 5 號第 67 條修訂)
4. 如租客代表、業主、已登記承按人或任何由業主或已登記承按人就此而以書面妥為授權的人，以書面要求法團向他提供本附表所提述的任何預算的副本，則司庫在收取管理委員會所釐定的合理的複印費後，須將副本提供給該人。
(由 2007 年第 5 號第 67 條修訂)

Schedule 5

[ss. 21 & 42]
(Amended 5 of 2007 s. 30)

Annual Budget

1. The amount to be determined by the management committee under section 21(1) shall be based upon a budget prepared by the management committee for the period specified by the management committee under that subsection.
2. The budget referred to in paragraph 1 shall set out the sums which in the opinion of the management committee will be reasonably necessary to meet payments of the kind specified in section 20(1) and shall, if a contingency fund is established under section 20(2), set out the sums which in the opinion of the management committee will be reasonably necessary to meet payments of the kind specified in that subsection.
3. A revised budget may be prepared if the management committee is of the opinion that any sum set out in a budget in respect of which the revised budget is to be prepared is insufficient to meet the proposed expenditure which that sum was intended to meet.
4. If the tenants' representative, an owner, a registered mortgagee or any person duly authorized in writing in that behalf by an owner or registered mortgagee requests in writing the corporation to supply him with copies of any budget referred to in this Schedule, the treasurer shall, on the payment of such reasonable copying charge as the management committee may determine, supply such copies to that person.

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附表 5

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5. 如主管當局或獲授權人員要求，則司庫須將第 4 段所提述的副本提供給主管當局或獲授權人員，而不收取任何費用。
(由 1993 年第 27 號第 41 條增補)
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5. The treasurer shall, if requested by the Authority or an authorized officer and without raising any charge, supply the copies referred to in paragraph 4 to the Authority or that officer.
(Added 27 of 1993 s. 41)
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附表 6

Schedule 6

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Cap. 344**附表 6**

[第 27 及 42 條及附表 11]
(由 2007 年第 5 號第 31 條修訂)

帳目

1. 根據第 27(1) 條備存的帳簿、帳項紀錄及其他紀錄所提述的一切單據、發票、憑單、收據及其他文件，管理委員會須保存一段由管理委員會決定的期間，但不少於 6 年。
- 1A. 管理委員會須——
- (a) 在不少於 5% 的業主要求下，准許該等業主或該等業主委任的任何人在任何合理時間查閱第 1 段提述的任何單據、發票、憑單、收據或其他文件；及
 - (b) 准許獲法庭授權的任何人在任何合理時間查閱第 1 段提述的任何單據、發票、憑單、收據或其他文件。
- (由 2007 年第 5 號第 31 條增補)
- 1B. 為施行第 1A(b) 段，業主可向法庭申請命令，授權該業主或申請書上指名的任何其他人士查閱第 1 段提述的任何單據、發票、憑單、收據或其他文件。
- (由 2007 年第 5 號第 31 條增補)

Schedule 6

[ss. 27 & 42 & Sch. 11]
(Amended 5 of 2007 s. 31)

Accounts

1. All bills, invoices, vouchers, receipts and other documents referred to in the books or records of account and other records maintained under section 27(1) shall be kept by the management committee for such period, being not less than 6 years, as the corporation may determine.
- 1A. The management committee shall—
- (a) at the request of not less than 5% of the owners, permit those owners or any person appointed by those owners to inspect any bills, invoices, vouchers, receipts or other documents referred to in paragraph 1 at any reasonable time; and
 - (b) permit any person authorized by the court to inspect any bills, invoices, vouchers, receipts or other documents referred to in paragraph 1 at any reasonable time.
- (Added 5 of 2007 s. 31)
- 1B. For the purposes of paragraph 1A(b), an owner may apply to the court for an order authorizing the owner, or any other person named in the application, to inspect any bills, invoices, vouchers, receipts or other documents referred to in paragraph 1.
- (Added 5 of 2007 s. 31)

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1C. 法庭只可在信納以下各項的情況下作出第 1B 段所指的命令——

- (a) 有關申請是真誠作出的；及
- (b) 所申請的查閱，是為了恰當的目的。

(由 2007 年第 5 號第 31 條增補)

2. 在每一段連續 3 個月的期間後的 1 個月內，或管理委員會選擇的較短期間後的 1 個月內，司庫須就該期間擬備法團的收支概算表，在建築物的顯眼處展示該概算表的副本，並致使該副本保持如此展示至少連續 7 天。

(由 2007 年第 5 號第 31 條修訂)

3. 如租客代表、業主、已登記承按人或任何由業主或已登記承按人就此而以書面妥為授權的人，以書面要求法團向他提供——

- (a) 根據第 27 條擬備的財務報表及(如適用的話)會計師報告；或(由 2007 年第 5 號第 31 條修訂)
- (b) 根據第 2 段擬備的法團的收支概算表，

則司庫在收取管理委員會所釐定的合理的複印費後，須將副本提供給該人。

(由 2007 年第 5 號第 68 條修訂)

4. 如主管當局或獲授權人員要求，則司庫須將第 3 段所提述的副本提供給主管當局或獲授權人員，而不收取任何費用。

(由 1996 年第 139 號法律公告修訂)

1C. The court may make an order under paragraph 1B only if it is satisfied that—

- (a) the application is made in good faith; and
- (b) the inspection applied for is for a proper purpose.

(Added 5 of 2007 s. 31)

2. Within 1 month after each consecutive period of 3 months, or such shorter period as the management committee may select, the treasurer shall prepare a summary of the income and expenditure of the corporation in respect of that period, display a copy of the summary in a prominent place in the building, and cause it to remain so displayed for at least 7 consecutive days.

(Amended 5 of 2007 s. 31)

3. If the tenants' representative, an owner, a registered mortgagee or any person duly authorized in writing in that behalf by an owner or registered mortgagee requests in writing the corporation to supply him with copies of—

- (a) the financial statements and, if applicable, the accountant's report prepared under section 27; or
(Amended 5 of 2007 s. 31)
- (b) a summary of the income and expenditure of the corporation prepared under paragraph 2,

the treasurer shall, on the payment of such reasonable copying charge as the management committee may determine, supply such copies to that person.

4. The treasurer shall, if requested by the Authority or an authorized officer and without raising any charge, supply the copies referred to in paragraph 3 to the Authority or that officer.

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(由 1993 年第 27 號第 41 條增補)

(Added 27 of 1993 s. 41)

附表 7[第 34D、34E、34J、40D
及 42 條]

(由 2000 年第 69 號第 25 條修訂)

公契的強制性條款**1. 管理開支總額的釐定**

- (1) 除第 (3)、(5)、(6) 及 (8) 節另有規定外，在任何一段由經理人就建築物的管理而定為財務年度的 12 個月期間，業主應付的管理開支總額，須為經理人按照第 (2) 節指明的該年度的建議開支總額。
- (2) 經理人須就每個財務年度而——
 - (a) 擬備列明該財務年度的建議開支的預算草案；
 - (b) 將預算草案副本一份送交業主委員會，如無業主委員會，則將該副本展示於建築物的顯眼處，並致使該副本保持如此展示至少連續 7 天；(由 2007 年第 5 號第 32 條修訂)
 - (c) 隨同預算草案副本送交或展示(視屬何情況而定)一份通知，邀請每名業主在由預算草案送交或首次展示日期起的 14 天期間內，將業主對預算草案的意見送交經理人；
 - (d) 在該期間結束後，擬備指明該財務年度的建議開支總額的預算；
 - (e) 將預算副本一份送交業主委員會，如無業主委員會，則將該副本展示於建築物的顯眼處，並致使該副本保持如此展示至少連續 7 天。(由 2007 年第 5 號第 32 條修訂)
- (3) 凡經理人在任何財務年度的開始時仍未就該財務年度而遵行第 (2) 節的規定，則該年度的管理開支總額——

Schedule 7[ss. 34D, 34E, 34J, 40D &
42]

(Amended 69 of 2000 s. 25; 5 of 2007 s. 32)

Mandatory Terms in Deeds of Mutual Covenant**1. Determination of total amount of management expenses**

- (1) Subject to subparagraphs (3), (5), (6) and (8), the total amount of management expenses payable by the owners during any period of 12 months adopted by the manager of a building as the financial year in respect of the management of that building shall be the total proposed expenditure during that year as specified by the manager in accordance with subparagraph (2).
- (2) In respect of each financial year, the manager shall—
 - (a) prepare a draft budget setting out the proposed expenditure during the financial year;
 - (b) send a copy of the draft budget to the owners' committee or, where there is no owners' committee, display a copy of the draft budget in a prominent place in the building, and cause it to remain so displayed for at least 7 consecutive days; (Amended 5 of 2007 s. 32)
 - (c) send or display, as the case may be, with the copy of the draft budget a notice inviting each owner to send his comments on the draft budget to the manager within a period of 14 days from the date the draft budget was sent or first displayed;
 - (d) after the end of that period, prepare a budget specifying the total proposed expenditure during the financial year;

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- (a) 直至他如此遵行為止，須當作與前一財務年度的管理開支（如有的話）總額一樣；
- (b) 在他已如此遵行時，須為該財務年度的預算所指明的建議開支總額，而各業主就管理開支而須分擔的款額，須據此計算及調整。
- (4) 凡預算已按照第 (2)(e) 節送交或展示，而經理人擬修訂該預算，則有關的修訂預算，須遵循憑藉第 (2) 節對預算草案及預算適用的同一程序。
- (5) 凡修訂預算已按照第 (4) 節送交或展示，則該財務年度的管理開支總額，須為修訂預算所指明的開支總額或建議開支總額，而各業主須就管理開支而分擔的款額，須據此計算及調整。
- (6) 如有法團，而法團在財務年度預算或修訂預算按照第 (2) 或 (4) 節送交或展示日期的 1 個月期間內，藉各業主通過的決議，決定否決該預算或修訂預算（視屬何情況而定），則直至另一預算或修訂預算按照第 (2) 或 (4) 節送交或展示且並無如此根據本節被否決為止，該財務年度的管理開支總額，須當作與前一財務年度的管理開支（如有的話）總額連同一筆經理人所釐定的不超過該總額 10% 的款額一樣。
- (7) 如有任何業主以書面要求經理人向他提供任何預算草案、預算或修訂預算的副本，則經理人在收取合理的複印費後，須向該人提供副本一份。（由 2007 年第 5 號第 69 條修訂）
- (8) 就本段而言，**開支** (expenditure) 包括須由各業主負擔的一切費用、收費及支出，包括經理人的報酬在內。

- (e) send a copy of the budget to the owners' committee or, where there is no owners' committee, display a copy of the budget in a prominent place in the building, and cause it to remain so displayed for at least 7 consecutive days. (*Amended 5 of 2007 s. 32*)
- (3) Where, in respect of a financial year, the manager has not complied with subparagraph (2) before the start of that financial year, the total amount of the management expenses for that year shall—
- (a) until he has so complied, be deemed to be the same as the total amount of management expenses (if any) for the previous financial year;
- (b) when he has so complied, be the total proposed expenditure specified in the budget for that financial year, and the amount that the owners shall contribute towards the management expenses shall be calculated and adjusted accordingly.
- (4) Where a budget has been sent or displayed in accordance with subparagraph (2)(e) and the manager wishes to revise it, he shall follow the same procedures in respect of the revised budget as apply to the draft budget and budget by virtue of subparagraph (2).
- (5) Where a revised budget is sent or displayed in accordance with subparagraph (4), the total amount of the management expenses for that financial year shall be the total expenditure or proposed expenditure specified in the revised budget and the amount that owners shall contribute towards the management expenses shall be calculated and adjusted accordingly.
- (6) If there is a corporation and, within a period of 1 month from the date that a budget or revised budget for a financial year is sent or first displayed in accordance with subparagraph (2)

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S7-6
Cap. 344**2. 帳目的保存**

- (1) 經理人須備存恰當的帳簿或帳項紀錄及財務紀錄，並須保存該等帳簿或紀錄所提述的一切單據、發票、憑單、收據及其他文件最少 6 年。
- (2) 在每一段連續 3 個月的期間後的 1 個月內，或經理人選擇的較短期間後的 1 個月內，經理人須就該期間擬備收支概算表及資產負債表，在建築物的顯眼處展示該概算表及資產負債表的副本，並致使該副本保持如此展示至少連續 7 天。（由 2007 年第 5 號第 32 條修訂）
- (3) 每個財務年度結束後的 2 個月內，經理人須擬備該年度的收支表及資產負債表，在建築物的顯眼處展示該收支表及資產負債表的副本，並致使該副本保持如此展示至少連續 7 天。（由 2007 年第 5 號第 32 條修訂）

or (4), the corporation decides, by a resolution of the owners, to reject the budget or revised budget, as the case may be, the total amount of management expenses for the financial year shall, until another budget or revised budget is sent or displayed in accordance with subparagraph (2) or (4) and is not so rejected under this subparagraph, be deemed to be the same as the total amount of management expenses (if any) for the previous financial year, together with an amount not exceeding 10% of that total amount as the manager may determine.

- (7) If any owner requests in writing the manager to supply him with a copy of any draft budget, budget or revised budget, the manager shall, on payment of a reasonable copying charge, supply a copy to that person.
- (8) For the purposes of this paragraph, *expenditure* (開支) includes all costs, charges and expenses to be borne by the owners, including the remuneration of the manager.

2. Keeping of accounts

- (1) The manager shall maintain proper books or records of account and other financial records and shall keep all bills, invoices, vouchers, receipts and other documents referred to in those books and records for at least 6 years.
- (2) Within 1 month after each consecutive period of 3 months, or such shorter period as the manager may select, the manager shall prepare a summary of income and expenditure and a balance sheet in respect of that period, display a copy of the summary and balance sheet in a prominent place in the building, and cause it to remain so displayed for at least 7 consecutive days. (*Amended 5 of 2007 s. 32*)
- (3) Within 2 months after the end of each financial year, the manager shall prepare an income and expenditure account and balance sheet for that year, display a copy of the income and

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- (4) 每一收支表及資產負債表須包括第 4 段所規定的特別基金的細項，以及有需要從基金提款的時間及屆時所需的金額的估計。
- (5) 經理人須 ——
- (a) 准許業主在任何合理時間查閱帳簿或帳項紀錄及任何收支表或資產負債表；及
- (b) 在收取合理的複印費後，向任何業主提供該名業主所要求的紀錄或文件的副本。（由 2007 年第 5 號第 69 條修訂）
- (6) 如有法團，而法團藉業主通過的決議，決定收支表及資產負債表應由決議所指明的一名會計師或其他獨立核數師審計，則經理人須不延誤地安排由該人進行該項審計，並 ——（由 2007 年第 5 號第 32 條修訂）
- (a) 准許任何業主在任何合理時間查閱經審計的收支表及資產負債表，以及會計師或核數師就該收支表及資產負債表作出的報告；及
- (b) 在收取合理的複印費後，向任何業主提供該業主所要求的經審計的收支表及資產負債表的副本，或會計師或核數師就該收支表及資產負債表作出的報告的副本，或該兩項的副本。（由 2007 年第 5 號第 32 條修訂）
- (7) 財務年度在每 5 年內不得改變多於一次，除非該項改變於事前獲業主委員會（如有的話）的決議批准。

- expenditure account and balance sheet in a prominent place in the building, and cause it to remain so displayed for at least 7 consecutive days. (*Amended 5 of 2007 s. 32*)
- (4) Each income and expenditure account and balance sheet shall include details of the special fund required by paragraph 4 and an estimate of the time when there will be a need to draw on that fund, and the amount of money that will be then needed.
- (5) The manager shall—
- (a) permit any owner, at any reasonable time, to inspect the books or records of account and any income and expenditure account or balance sheet; and
- (b) on payment of a reasonable copying charge, supply any owner with a copy of any record or document requested by him.
- (6) If there is a corporation and the corporation decides, by a resolution of the owners, that any income and expenditure account and balance sheet should be audited by an accountant or by some other independent auditor as may be specified in that resolution, the manager shall without delay arrange for such an audit to be carried out by that person and— (*Amended 5 of 2007 s. 32*)
- (a) permit any owner, at any reasonable time, to inspect the audited income and expenditure account and balance sheet and the report made by the accountant or auditor in respect of the income and expenditure account and balance sheet; and
- (b) on payment of a reasonable copying charge, supply any owner with a copy of the audited income and expenditure account and balance sheet, or the report made by the accountant or auditor in respect of the income and expenditure account and balance sheet, or

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Cap. 344**3. 經理人開立和維持銀行戶口***(由 2007 年第 5 號第 32 條修訂)*

- (1) 經理人須開立和維持一個有利息的戶口，而只將該戶口用於建築物管理方面。*(由 2007 年第 5 號第 32 條修訂)*
- (1A) 在不損害第 (1) 節的一般性的原則下，如有法團，則經理人須開立和維持一個或多於一個獨立而有利息的戶口，以持有他就建築物的管理而從法團或代法團收到的款項，而每一個該等戶口均須指定為信託戶口或客戶戶口。*(由 2007 年第 5 號第 32 條增補)*
- (1B) 經理人須在建築物的顯眼處，展示一份臚列根據第 (1) 或 (1A) 節開立和維持的戶口的證明的文件。*(由 2007 年第 5 號第 32 條增補)*
- (2) 除第 (3) 及 (4) 節另有規定外，經理人須不延誤地將其就建築物的管理而收得的一切款項存入根據第 (1) 節或 (如有法團) 第 (1A) 節開立和維持的戶口。*(由 2007 年第 5 號第 32 條修訂)*
- (3) 除第 (4) 節另有規定外，經理人可從其就建築物的管理而收得的款項中，保留一筆合理款額，或將該款額存入往來戶口，以應付小額雜項開支，但該款額不得超過業主委員會 (如有的話) 不時藉決議釐定之數。
- (4) 根據第 (3) 節保留的合理款額，或按照該節將該款額存入往來戶口，以及任何其他對經理人所收得款項的任何其他處理安排，均須受業主委員會 (如有的話) 藉決議批准的條件所規限。

both, as requested by the owner. *(Amended 5 of 2007 s. 32)*

- (7) The financial year may not be changed more than once in every 5 years, unless that change is previously approved by a resolution of the owners' committee (if any).

3. Manager to open and maintain bank account*(Amended 5 of 2007 s. 32)*

- (1) The manager shall open and maintain an interest-bearing account and shall use that account exclusively in respect of the management of the building. *(Amended 5 of 2007 s. 32)*
- (1A) Without prejudice to the generality of subparagraph (1), if there is a corporation, the manager shall open and maintain one or more segregated interest-bearing accounts, each of which shall be designated as a trust account or client account, for holding money received by him from or on behalf of the corporation in respect of the management of the building. *(Added 5 of 2007 s. 32)*
- (1B) The manager shall display a document showing evidence of any account opened and maintained under subparagraph (1) or (1A) in a prominent place in the building. *(Added 5 of 2007 s. 32)*
- (2) Subject to subparagraphs (3) and (4), the manager shall without delay pay all money received by him in respect of the management of the building into the account opened and maintained under subparagraph (1) or, if there is a corporation, the account or accounts opened and maintained under subparagraph (1A). *(Amended 5 of 2007 s. 32)*
- (3) Subject to subparagraph (4), the manager may, out of money received by him in respect of the management of the building, retain or pay into a current account a reasonable amount to cover expenditure of a minor nature, but that amount shall not

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- (5) 本段對任何戶口的提述，即為提述在一家《銀行業條例》(第 155 章)第 2 條所指的銀行所開立的戶口，而戶名亦提述建築物的管理組織。(由 1995 年第 49 號第 53 條修訂)

exceed such figure as is determined from time to time by a resolution of the owners' committee (if any).

- (4) The retention of a reasonable amount of money under subparagraph (3) or the payment of that amount into a current account in accordance with that subparagraph and any other arrangement for dealing with money received by the manager shall be subject to such conditions as may be approved by a resolution of the owners' committee (if any).
- (5) Any reference in this paragraph to an account is a reference to an account opened with a bank within the meaning of section 2 of the Banking Ordinance (Cap. 155), the title of which refers to the management of the building. (Amended 49 of 1995 s. 53)

4. 特別基金

- (1) 經理人須設立並維持一項特別基金，以備應付某種開支，而該種開支並非他預期每年須承付者。
- (2) 如有法團，則法團須藉業主的決議，釐定各業主在任何財務年度需對該特別基金繳付的款額，以及須支付所繳付的該等款額的時間。
- (3) 經理人須在一家《銀行業條例》(第 155 章)第 2 條所指的銀行開立和維持一個有利息的戶口，戶名須為建築物的特別基金，而只將該戶口用於第(1)節所提述的用途。(由 1995 年第 49 號第 53 條修訂；由 2007 年第 5 號第 32 條修訂)
- (3A) 在不損害第(3)節的一般性的原則下，如有法團，則經理人須開立和維持一個或多於一個獨立而有利息的戶口，以持有他就特別基金而從法團或代法團收到的款項，而每一個該等戶口均須指定為信託戶口或客戶戶口。(由 2007 年第 5 號第 32 條增補)

4. Special fund

- (1) The manager shall establish and maintain a special fund to provide for expenditure of a kind not expected by him to be incurred annually.
- (2) If there is a corporation, the corporation shall determine, by a resolution of the owners, the amount to be contributed to the special fund by the owners in any financial year, and the time when those contributions shall be payable.
- (3) The manager shall open and maintain at a bank within the meaning of section 2 of the Banking Ordinance (Cap. 155) an interest-bearing account, the title of which shall refer to the special fund for the building, and shall use that account exclusively for the purpose referred to in subparagraph (1). (Amended 49 of 1995 s. 53; 5 of 2007 s. 32)
- (3A) Without prejudice to the generality of subparagraph (3), if there is a corporation, the manager shall open and maintain one or more segregated interest-bearing accounts, each of which shall be designated as a trust account or client account,

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- (3B) 經理人須在建築物的顯眼處，展示一份臚列根據第(3)或(3A)節開立和維持的戶口的證明的文件。(由 2007 年第 5 號第 32 條增補)
- (4) 經理人須不延誤地將其就特別基金而收得的一切款項存入根據第(3)節或(如有法團)第(3A)節開立和維持的戶口。(由 2007 年第 5 號第 32 條修訂)
- (5) 除經理人認為情況緊急外，不得從特別基金付出任何款項，但如用於業主委員會(如有的話)藉決議批准的用途則不在此限。

5. 經理人訂立合約

- (1) 除第(2)及(3)節另有規定外，經理人不得訂立任何合約，以取得價值超過或相當可能超過 \$200,000(或主管當局於憲報刊登公告指明用以取代的款額)的任何供應品、貨品或服務，除非——
- (a) 該等供應品、貨品或服務以招標承投方式取得；及
- (b) 該項取得符合第 20A(1) 條提述的工作守則。
- (2) 除第(3)節另有規定外，經理人不得訂立任何合約，以取得價值超過或相當可能超過相等於每年預算的 20%(或主管當局於憲報刊登公告指明用以取代的百分率)的款額的任何供應品、貨品或服務，除非——
- (a) 如有法團——
- (i) 該等供應品、貨品或服務以招標承投方式取得；
- (ii) 該項取得符合第 20A(1) 條提述的工作守則；及

for holding money received by him from or on behalf of the corporation in respect of the special fund. (Added 5 of 2007 s. 32)

- (3B) The manager shall display a document showing evidence of any account opened and maintained under subparagraph (3) or (3A) in a prominent place in the building. (Added 5 of 2007 s. 32)
- (4) The manager shall without delay pay all money received by him in respect of the special fund into the account opened and maintained under subparagraph (3) or, if there is a corporation, the account or accounts opened and maintained under subparagraph (3A). (Amended 5 of 2007 s. 32)
- (5) Except in a situation considered by the manager to be an emergency, no money shall be paid out of the special fund unless it is for a purpose approved by a resolution of the owners' committee (if any).

5. Contracts entered into by manager

- (1) Subject to subparagraphs (2) and (3), the manager shall not enter into any contract for the procurement of any supplies, goods or services the value of which exceeds or is likely to exceed the sum of \$200,000 or such other sum in substitution therefor as the Authority may specify by notice in the Gazette unless—
- (a) the supplies, goods or services are procured by invitation to tender; and
- (b) the procurement complies with the Code of Practice referred to in section 20A(1).
- (2) Subject to subparagraph (3), the manager shall not enter into any contract for the procurement of any supplies, goods or services the value of which exceeds or is likely to exceed a sum which is equivalent to 20% of the annual budget or such

- (iii) 為此而提交的投標書是否獲接納，取決於在法團業主大會上通過的業主決議，而有關合約是與中標人訂立的；或
- (b) 如沒有法團 ——
- (i) 該等供應品、貨品或服務以招標承投方式取得；
- (ii) 該項取得符合第 20A(1) 條提述的工作守則；及
- (iii) 為此而提交的投標書是否獲接納，取決於在按照公契召開和進行的業主會議上通過的業主決議，而有關合約是與中標人訂立的。
- (3) 在以下情況下，第 (1) 及 (2) 節並不適用於任何若非因本節便須以招標承投方式取得的供應品、貨品或服務（在本節中提述為**有關供應品、貨品或服務**）——
- (a) 就有法團的情況而言 ——
- (i) 有關供應品、貨品或服務與某供應商當其時提供予法團的某供應品、貨品或服務屬同一種類；及
- (ii) 法團藉在法團業主大會上通過的業主決議，決定須按該決議指明的條款及條件向該供應商取得有關供應品、貨品或服務，而非以招標承投方式取得；或
- (b) 就沒有法團的情況而言 ——
- (i) 有關供應品、貨品或服務與某供應商當其時提供予業主的某供應品、貨品或服務屬同一種類；及
- (ii) 業主藉在按照公契召開和進行的業主會議上通過的業主決議，決定須按該決議指明的條款及條件向該供應商取得有關供應品、貨品或服務，而非以招標承投方式取得。

(由 2007 年第 5 號第 32 條代替)

other percentage in substitution therefor as the Authority may specify by notice in the Gazette unless—

- (a) if there is a corporation—
- (i) the supplies, goods or services are procured by invitation to tender;
- (ii) the procurement complies with the Code of Practice referred to in section 20A(1); and
- (iii) whether a tender submitted for the purpose is accepted or not is decided by a resolution of the owners passed at a general meeting of the corporation, and the contract is entered into with the successful tenderer; or
- (b) if there is no corporation—
- (i) the supplies, goods or services are procured by invitation to tender;
- (ii) the procurement complies with the Code of Practice referred to in section 20A(1); and
- (iii) whether a tender submitted for the purpose is accepted or not is decided by a resolution of the owners passed at a meeting of owners convened and conducted in accordance with the deed of mutual covenant, and the contract is entered into with the successful tenderer.
- (3) Subparagraphs (1) and (2) do not apply to any supplies, goods or services which but for this subparagraph would be required to be procured by invitation to tender (referred to in this subparagraph as **relevant supplies, goods or services**)—
- (a) where there is a corporation, if—
- (i) the relevant supplies, goods or services are of the same type as any supplies, goods or services which

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are for the time being supplied to the corporation by a supplier; and

- (ii) the corporation decides by a resolution of the owners passed at a general meeting of the corporation that the relevant supplies, goods or services shall be procured from that supplier on such terms and conditions as specified in the resolution, instead of by invitation to tender; or

(b) where there is no corporation, if—

- (i) the relevant supplies, goods or services are of the same type as any supplies, goods or services which are for the time being supplied to the owners by a supplier; and
- (ii) the owners decide by a resolution of the owners passed at a meeting of owners convened and conducted in accordance with the deed of mutual covenant that the relevant supplies, goods or services shall be procured from that supplier on such terms and conditions as specified in the resolution, instead of by invitation to tender.

(Replaced 5 of 2007 s. 32)

6. 經理人辭職

- (1) 經理人辭職，除非事前已將其辭職意圖，按以下方式給予不少於 3 個月的書面通知，否則並不生效——
 - (a) 向業主委員會送交該通知；或
 - (b) 如無業主委員會，則向每名業主發出該通知，並將其展示在建築物內的顯眼處。（由 2007 年第 5 號第 32 條修訂）
- (2) 第 (1)(b) 節提述的通知可藉以下方式發出——（由 2007 年第 5 號第 32 條修訂）

6. Resignation of manager

- (1) No resignation of the manager shall take effect unless he has previously given not less than 3 months' notice in writing of his intention to resign—
 - (a) by sending such a notice to the owners' committee; or
 - (b) where there is no owners' committee, by giving such a notice to each of the owners and by displaying such a notice in a prominent place in the building.

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- (a) 面交該業主；或
- (b) 按該業主最後為人所知的地址郵寄給他；或
- (c) 留在該業主的單位內或放入為該單位而設的信箱內。
(由 1998 年第 12 號第 9 條修訂；由 2007 年第 5 號第 32 條修訂)

- (2) The notice referred to in subparagraph (1)(b) may be given— (*Amended 5 of 2007 s. 32*)
 - (a) by delivering it personally to the owner; or
 - (b) by sending it by post to the owner at his last known address; or
 - (c) by leaving it at the owner's flat or depositing it in the letter box for that flat. (*Amended 12 of 1998 s. 9*)

(Amended 5 of 2007 s. 32)

7. 業主立案法團終止經理人的委任

- (1) 除第 (5A) 節另有規定外，在為此目的而召開的業主大會上，法團可藉符合以下說明的決議，發出通知終止公契經理人的委任，而無需給予補償——
 - (a) 由親自投票或委派代表投票的業主以過半數票通過；及
 - (b) 獲總共擁有份數不少於 50% 的業主支持。(由 2007 年第 5 號第 32 條代替)
- (2) 根據第 (1) 節作出的決議，只在符合以下條件下方有效力——
 - (a) 終止委任通知為書面形式；
 - (b) 決議中訂有條文，規定須給予一段不少於 3 個月的通知期，或不規定通知期而訂有條文規定將會與公契經理人訂立協議以向他支付代通知金，而款額相等於在該通知期內本應會累算歸予他的報酬；(由 2000 年第 69 號第 25 條代替)
 - (c) 通知附有終止公契經理人委任的決議的副本；及
 - (d) 通知及決議副本於會議日期後 14 天內向公契經理人發出。(由 2007 年第 5 號第 32 條修訂)
- (3) 第 (2)(d) 節提述的通知及決議副本可藉以下方式發出—— (由 2007 年第 5 號第 32 條修訂)

7. Termination of manager's appointment by owners' corporation

- (1) Subject to subparagraph (5A), at a general meeting convened for the purpose, a corporation may, by a resolution—
 - (a) passed by a majority of the votes of the owners voting either personally or by proxy; and
 - (b) supported by the owners of not less than 50% of the shares in aggregate,
 terminate by notice the DMC manager's appointment without compensation. (*Replaced 5 of 2007 s. 32*)
- (2) A resolution under subparagraph (1) shall have effect only if—
 - (a) the notice of termination of appointment is in writing;
 - (b) provision is made in the resolution for a period of not less than 3 months' notice or, in lieu of notice, provision is made for an agreement to be made with the DMC manager for the payment to him of a sum equal to the amount of remuneration which would have accrued to him during that period; (*Replaced 69 of 2000 s. 25. Amended E.R. 2 of 2018*)
 - (c) the notice is accompanied by a copy of the resolution terminating the DMC manager's appointment; and

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- (a) 面交公契經理人；或
- (b) 按公契經理人最後為人所知的地址郵寄給他。(由 2007 年第 5 號第 32 條修訂)
- (c) (由 2007 年第 5 號第 32 條廢除)
- (4)-(5) (由 2007 年第 5 號第 32 條廢除)
- (5A) 為施行第 (1) 節——
- (a) 只有擁有份數並支付有關該份數的管理開支(或負有支付有關該份數的管理開支的法律責任)的業主，才有權投票；
- (b) 第 (1)(b) 節中提述**總共擁有份數不少於 50% 的業主**之處須解釋為提述總共擁有份數不少於 50% 並有權投票的業主。(由 2000 年第 69 號第 25 條增補。由 2007 年第 5 號第 32 及 69 條修訂)
- (5B) 如委任某經理人(公契經理人除外)的合約並無關於終止該經理人的委任的條款，則第 (1)、(2)、(3) 及 (5A) 節適用於終止該經理人的委任，一如該等條文適用於終止公契經理人的委任。(由 2007 年第 5 號第 32 條增補)
- (5C) 第 (5B) 節的實施，並不損害在委任經理人(公契經理人除外)的合約中可能載有的終止該經理人的委任的任何其他權力。(由 2007 年第 5 號第 32 條增補)
- (6) 如終止經理人的委任的通知是根據本段發出的——
- (a) 則新經理人的委任不得生效，除非該項委任已獲業主委員會(如有的話)藉決議批准；及
- (b) 如在通知屆滿之時此項委任仍未根據 (a) 分節批准，則法團可委任另一經理人，如法團如此做，則法團即具獨有的權力委任其後的經理人。
- (7) 如任何人已給予政府書面承諾，或與政府訂立協議，以管理建築物或負責建築物的管理，而法團則已根據第 (6)(b) 節委任一名經理人，則法團即當作為已給予該人一份彌償文書，而根據該節委任的經理人的任何作為或不

- (d) the notice and the copy of the resolution is given to the DMC manager within 14 days after the date of the meeting.
- (3) The notice and the copy of the resolution referred to in subparagraph (2)(d) may be given— (*Amended 5 of 2007 s. 32*)
- (a) by delivering them personally to the DMC manager; or
- (b) by sending them by post to the DMC manager at his last known address.
- (c) (*Repealed 5 of 2007 s. 32*)
- (4)-(5) (*Repealed 5 of 2007 s. 32*)
- (5A) For the purposes of subparagraph (1)—
- (a) only the owners of shares who pay or who are liable to pay the management expenses relating to those shares shall be entitled to vote;
- (b) the reference in subparagraph (1)(b) to ***the owners of not less than 50% of the shares in aggregate*** shall be construed as a reference to the owners of not less than 50% of the shares in aggregate who are entitled to vote. (*Added 69 of 2000 s. 25. Amended 5 of 2007 s. 69*)
- (5B) If a contract for the appointment of a manager other than a DMC manager contains no provision for the termination of the manager's appointment, subparagraphs (1), (2), (3) and (5A) apply to the termination of the manager's appointment as they apply to the termination of a DMC manager's appointment. (*Added 5 of 2007 s. 32*)
- (5C) Subparagraph (5B) operates without prejudice to any other power there may be in a contract for the appointment of a manager other than a DMC manager to terminate the appointment of the manager. (*Added 5 of 2007 s. 32*)

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作為，如導致該人負有違反該承諾或協議的法律責任，則根據該文書，法團負有向該人作出彌償的法律責任。

- (8) 本段受主管當局根據第 34E(4) 條公布的與建築物有關的通知所規限，但對該節所提述的任何單一經理人並不適用。

- (6) If a notice to terminate a manager's appointment is given under this paragraph—
- (a) no appointment of a new manager shall take effect unless the appointment is approved by a resolution of the owners' committee (if any); and
- (b) if no such appointment is approved under subparagraph (a) by the time the notice expires, the corporation may appoint another manager and, if it does so, the corporation shall have exclusive power to appoint any subsequent manager.
- (7) If any person has given an undertaking in writing to, or has entered into an agreement with, the Government to manage or be responsible for the management of the building, and the corporation has appointed a manager under subparagraph (6)(b), the corporation shall be deemed to have given to that person an instrument of indemnity under which the corporation shall be liable to indemnify that person in respect of any act or omission by the manager appointed under that subparagraph that may otherwise render that person liable for a breach of that undertaking or agreement.
- (8) This paragraph is subject to any notice relating to the building that may be published by the Authority under section 34E(4) but does not apply to any single manager referred to in that section.

(Amended 5 of 2007 s. 32)

8. 經理人的委任結束後的責任

- (1) 除第 (2) 節另有規定外，經理人的委任不論因何原因結束，均須在其委任結束後，在切實可行範圍內盡快（但無論如何，須在其委任結束日期的 14 天內）將屬於法團（如有的話）或業主但在他控制下或在他保管或管有下而與建築物的控制、管理及行政事宜有關的任何動產，送交

8. Obligations after manager's appointment ends

- (1) Subject to subparagraph (2), if the manager's appointment ends for any reason, he shall, as soon as practicable after his appointment ends, and in any event within 14 days of the date his appointment ends, deliver to the owners' committee (if any) or the manager appointed in his place any

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業主委員會 (如有的話) 或獲委接任他的職位的經理人。
(由 2007 年第 5 號第 32 條增補)

- (2) 經理人的委任不論因何原因結束，均須在其委任結束日期的 2 個月內—— (由 2007 年第 5 號第 32 條修訂)
- (a) 擬備——
- (i) 由其委任結束的財務年度開始之日起至其委任結束日期止期間的收支表；及
- (ii) 截至其委任結束日期的資產負債表，
並須安排將收支表及資產負債表交由業主委員會 (如有的話) 的決議所指明的一名會計師或其他獨立核數師審計，如無上述指明，則交由經理人所選的會計師或其他獨立核數師審計；及
- (b) 將為 (a) 分節的目的而需要的，且並未根據第 (1) 節送交的任何帳簿、帳項紀錄、文據、文件及其他紀錄，送交業主委員會 (如有的話) 或獲委接任他的職位的經理人。(由 2007 年第 5 號第 32 條代替)

9. 業主之間的通訊

經理人須一般地或在個別情況下，就業主之間就關乎建築物管理的事宜互相通訊的渠道，在法團業主大會上諮詢法團，並採取法團決定的方法。

movable property in respect of the control, management and administration of the building that is under his control or in his custody or possession, and that belongs to the corporation (if any) or the owners. (*Added 5 of 2007 s. 32*)

- (2) If the manager's appointment ends for any reason, he shall within 2 months of the date his appointment ends— (*Amended 5 of 2007 s. 32*)
- (a) prepare—
- (i) an income and expenditure account for the period beginning with the commencement of the financial year in which his appointment ends and ending on the date his appointment ended; and
- (ii) a balance sheet as at the date his appointment ended,
- and shall arrange for that account and balance sheet to be audited by an accountant or by some other independent auditor specified in a resolution of the owners' committee (if any) or, in the absence of any such specification, by such accountant or other independent auditor as may be chosen by the manager; and
- (b) deliver to the owners' committee (if any) or the manager appointed in his place any books or records of accounts, papers, documents and other records which are required for the purposes of sub-subparagraph (a) and have not been delivered under subparagraph (1). (*Replaced 5 of 2007 s. 32*)

9. Communication among owners

The manager shall consult (either generally or in any particular case) the corporation at a general meeting of the corporation and adopt the approach decided by the corporation on the channels

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(由 2007 年第 5 號第 32 條增補)
(由 1993 年第 27 號第 41 條增補)

of communication among owners on any business relating to the
management of the building.

(Added 5 of 2007 s. 32)

(Added 27 of 1993 s. 41)

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附表 8

[第 34D、34F 及 42 條及附表 11]

(由 2007 年第 5 號第 33 條修訂)

如與公契一致則加入的條款

業主委員會會議

1. 業主委員會會議可由業主委員會主席或其任何 2 名委員隨時召開。
2. 召開業主委員會會議的人須在會議日期至少 7 天前，向每一名業主委員會委員發出會議通知。
(由 2007 年第 5 號第 33 條修訂)
- 2A. 第 2 段提述的會議通知須指明——
 - (a) 會議日期、時間和地點；及
 - (b) 擬在會議上提出的決議（如有的話）。
(由 2007 年第 5 號第 33 條增補)
3. 第 2 段提述的會議通知可藉以下方式發出—— (由 2007 年第 5 號第 33 條修訂)
 - (a) 面交業主委員會委員；或
 - (b) 按業主委員會委員最後為人所知的地址郵寄給他；或

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[ss. 34D, 34F & 42 & Sch. 11]

(Amended 5 of 2007 s. 33)

Terms Added if Consistent with Deed of Mutual Covenant

Meetings of owners' committee

1. A meeting of the owners' committee may be convened at any time by the chairman or any 2 members of the owners' committee.
2. The person or persons convening the meeting of the owners' committee shall, at least 7 days before the date of the meeting, give notice of the meeting to each member of the owners' committee.
(Replaced 5 of 2007 s. 33)
- 2A. The notice of meeting referred to in paragraph 2 shall specify—
 - (a) the date, time and place of the meeting; and
 - (b) the resolutions (if any) that are to be proposed at the meeting.
(Added 5 of 2007 s. 33)
3. The notice of meeting referred to in paragraph 2 may be given— (Amended 5 of 2007 s. 33)
 - (a) by delivering it personally to the member of the owners' committee; or

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- (c) 留在委員的單位內或放入為該單位而設的信箱內。
(由 1998 年第 12 號第 10 條修訂；由 2007 年第 5 號
第 33 條修訂)
4. 業主委員會的法定人數，須為業主委員會委員人數的 50% (計至最接近的整數)，或 3 名此等委員，兩者以其人數多者為準。
5. 業主委員會會議須由以下的人主持——
- 主席；或
 - 主席缺席時，由業主委員會委任一名委員，作為該次會議的主席。
6. 業主委員會會議上，出席的每名委員就委員會席前的每項問題均有 1 票，但如雙方票數相同，則主席除原有的普通票一票外，另有決定性一票。
7. 業主委員會會議的程序，須為業主委員會所決定者。

業主會議

8. 業主會議可——
- 由業主委員會召開；
 - 由經理人召開；或
 - 由總共擁有份數不少於 5% 的業主委任召開該會議的業主召開。

- by sending it by post to the member of the owners' committee at his last known address; or
- by leaving it at the member's flat or depositing it in the letter box for that flat. (*Amended 12 of 1998 s. 10*)
(*Amended 5 of 2007 s. 33*)

4. The quorum at a meeting of the owners' committee shall be 50% of the members of the owners' committee (rounded up to the nearest whole number) or 3 such members, whichever is the greater.
5. A meeting of the owners' committee shall be presided over by—
- the chairman; or
 - in the absence of the chairman, a member of the owners' committee appointed as chairman for that meeting.
6. At a meeting of the owners' committee, each member present shall have 1 vote on a question before the committee and if there is an equality of votes the chairman shall have, in addition to a deliberative vote, a casting vote.
7. The procedure at meetings of the owners' committee shall be as is determined by the owners' committee.

Meetings of owners

8. A meeting of owners may be convened by—
- the owners' committee;
 - the manager; or
 - an owner appointed to convene such a meeting by the owners of not less than 5% of the shares in aggregate.

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9. 召開業主會議的人須在會議日期至少 14 天前，向每一名業主發出會議通知。

9. The person convening the meeting of owners shall, at least 14 days before the date of the meeting, give notice of the meeting to each owner.

*(由 2007 年第 5 號第 33 條代替)**(Replaced 5 of 2007 s. 33)*

9A. 第 9 段提述的會議通知須指明——

9A. The notice of meeting referred to in paragraph 9 shall specify—

- (a) 會議日期、時間和地點；及
- (b) 擬在會議上提出的決議（如有的話）。

- (a) the date, time and place of the meeting; and
- (b) the resolutions (if any) that are to be proposed at the meeting.

*(由 2007 年第 5 號第 33 條增補)**(Added 5 of 2007 s. 33)*

10. 第 9 段提述的會議通知可藉以下方式發出——*(由 2007 年第 5 號第 33 條修訂)*

10. The notice of meeting referred to in paragraph 9 may be given—*(Amended 5 of 2007 s. 33)*

- (a) 面交業主；
- (b) 按業主最後為人所知的地址郵寄給他；或
- (c) 留在業主的單位內或放入為該單位而設的信箱內。*(由 1998 年第 12 號第 10 條修訂；由 2007 年第 5 號第 33 條修訂)*

- (a) by delivering it personally to the owner;
- (b) by sending it by post to the owner at his last known address; or
- (c) by leaving it at the owner's flat or depositing it in the letter box for that flat.*(Amended 12 of 1998 s. 10)*

(Amended 5 of 2007 s. 33)

11. 業主會議的法定人數，須為業主人數的 10%。

11. The quorum at a meeting of owners shall be 10% of the owners.

11A. 為施行第 11 段，該段中提述“業主人數的 10%”之處——

11A. For the purposes of paragraph 11, the reference in that paragraph to “10% of the owners” shall—

- (a) 須解釋為提述業主的人數的 10%，而無須理會他們在建築物的總分割份數中的擁有權的百分率；而
- (b) 並非解釋為總共擁有 10% 份數的業主。*(由 2007 年第 5 號第 70 條修訂)*

- (a) be construed as a reference to 10% of the number of persons who are owners without regard to their ownership of any particular percentage of the total number of shares into which the building is divided; and

(由 2000 年第 69 號第 26 條增補)

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- (b) not be construed as the owners of 10% of the shares in aggregate. (*Amended 5 of 2007 s. 70*)
(*Added 69 of 2000 s. 26*)
12. 業主會議須由業主委員會主席或 (如會議根據第 8(b) 或 (c) 段召開) 召開會議的人主持。
(由 2007 年第 5 號第 33 條代替)
12. A meeting of owners shall be presided over by the chairman of the owners' committee or, if the meeting is convened under paragraph 8(b) or (c), the person convening the meeting.
(*Replaced 5 of 2007 s. 33*)
13. 在業主會議上 ——
- (a) 業主每擁有一份份數，即有一票； (由 2007 年第 5 號第 33 條代替)
- (b) 業主可親自投票或委派代表投票； (由 2007 年第 5 號第 33 條代替)
- (c) 如有 2 人或多於 2 人是某份數的共同擁有人，則該份數的票 ——
- (i) 可由共同擁有人共同委任的代表投下；
- (ii) 可由共同擁有人所委任的他們當中一人投下；或
- (iii) 如沒有根據第 (i) 或 (ii) 分節作出委任，則可由其中一名共同擁有人親自投下，或由其中一名共同擁有人委任的代表投下； (由 2007 年第 5 號第 33 條代替)
- (ca) 如有 2 人或多於 2 人是某份數的共同擁有人，而有多於一名共同擁有人擬就該份數投票，則只有由在土地註冊處備存的註冊紀錄冊內就該份數而記錄排名最先的共同擁有人所投的票 (不論親自投下或委派代表投下)，才視作有效；及 (由 2007 年第 5 號第 33 條增補)
- (d) 如雙方票數相同，則主持會議者除原有的普通票一票外，另有決定性一票。
13. At a meeting of owners—
- (a) an owner shall have one vote in respect of each share he owns; (*Replaced 5 of 2007 s. 33*)
- (b) an owner may cast a vote personally or by proxy; (*Replaced 5 of 2007 s. 33*)
- (c) where 2 or more persons are the co-owners of a share, the vote in respect of the share may be cast—
- (i) by a proxy jointly appointed by the co-owners;
- (ii) by a person appointed by the co-owners from amongst themselves; or
- (iii) if no appointment is made under sub-subparagraph (i) or (ii), either by one of the co-owners personally or by a proxy appointed by one of the co-owners; (*Replaced 5 of 2007 s. 33*)
- (ca) 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; and (*Added 5 of 2007 s. 33*)

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14. (1) 委任代表的文書須符合附表 1A 表格 1 所列的格式，——
- (a) 並須由業主簽署；或
- (b) 如業主是法人團體，則須（即使其章程另有規定）蓋上其印章或圖章並由獲該法人團體就此而授權的人簽署。
- (2) 委任代表的文書須在會議舉行時間至少 48 小時前送交業主委員會主席或（如會議根據第 8(b) 或 (c) 段召開）召開會議的人。
- (3) 就會議而言，獲業主委任代表他出席和投票的代表須視為出席會議的該業主。

(由 2007 年第 5 號第 33 條代替)

15. 業主會議程序，須為業主所決定者。

(由 1993 年第 27 號第 41 條增補)

- (d) if there is an equality of votes the person presiding over the meeting shall have, in addition to a deliberative vote, a casting vote.

14. (1) An instrument appointing a proxy shall be in the form set out in Form 1 in Schedule 1A, and—
- (a) shall be signed by the owner; or
- (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.
- (2) The instrument appointing a proxy shall be lodged with the chairman of the owners' committee or, if the meeting is convened under paragraph 8(b) or (c), the person convening the meeting at least 48 hours before the time for the holding of the meeting.
- (3) A proxy appointed by an owner to attend and vote on behalf of the owner shall, for the purposes of the meeting, be treated as being the owner present at the meeting.

(Replaced 5 of 2007 s. 33)

15. The procedure at a meeting of owners shall be as is determined by the owners.

(Added 27 of 1993 s. 41)

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附表 9

[第 2、34E 及 42 條]

獲豁免屋邨

(由 1993 年第 27 號第 41 條增補)

Schedule 9

[ss. 2, 34E & 42]
(Amended 5 of 2007 s. 34)

Exempt Estates

(Added 27 of 1993 s. 41)

附表 10

[第 42 及 45 條]

由審裁處聆訊及裁決的指明法律程序

1. 與本條例條文的釋義及執行有關的法律程序。
2. 與公契條款及條文 (包括根據第 VIA 部隱含地納入公契的條款或條文) 的釋義及執行有關的法律程序。
3. 與建築物的公用部分或業主有共同權益的其他部分的使用、佔用、享用、管有或擁有權有關的法律程序。
4. 與下述各項的計算或分攤有關的法律程序 ——
 - (a) 根據公契 (如有的話) 應付或看來應付的任何款項；
 - (b) 第 20 及 21 條所提述的基金及繳款；
 - (c) 管理開支或收費 (不論其名稱為何)；
 - (d) 根據本條例或按照於土地註冊處註冊的文書包括公契 (如有的話) 的條款及條文而欠付或負有法律責任的任何其他支出、付款、債項或債務。

Schedule 10

[ss. 42 & 45]

*(Amended 5 of 2007 s. 35)***Hearing and Determination of Specified Proceedings by Tribunal**

1. Proceedings relating to the interpretation and enforcement of the provisions of this Ordinance.
2. Proceedings relating to the interpretation and enforcement of the terms and provisions of a deed of mutual covenant, including such terms or provisions impliedly incorporated into a deed of mutual covenant under Part VIA.
3. Proceedings relating to the use, occupation, enjoyment, possession or ownership of the common parts or any other part of a building in which the owners have a common interest.
4. Proceedings relating to the calculation or apportionment of—
 - (a) any sums payable or purported to be payable under a deed of mutual covenant (if any);
 - (b) the funds and contributions referred to in sections 20 and 21;
 - (c) any management expenses or charges (howsoever named);
 - (d) any other outgoings, payments, debts or liabilities due or liable under this Ordinance or in accordance with the terms and provisions of an instrument which is

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5. 與涉及 ——
- (a) 法團；
 - (b) 管理委員會及其主席、秘書及司庫；
 - (c) 第 34D(1) 條所指的經理人；
 - (d) 第 34D(1) 條所指的業主委員會；
 - (e) 租客代表，
- 的權力及職責的法律問題有關的法律程序，並包括與財務、金錢或受信性質的權力及職責（如有的話）的法律問題有關的法律程序。
6. 與涉及建築物的全部或建築物的任何部分的擁有、佔用或管有權（包括建築物的或上有建築物土地的一份不可分割份數的擁有權）的法律問題有關的法律程序。
7. 在不損害第 6 段及在第 45(3) 條的規限下，與涉及業主或佔用人所享有的任何合約上的權利或所有權權利，或另於土地註冊處註冊的文書包括公契（如有的話）的條款及條文所提述的任何合約上的權利或所有權權利的範圍及適用性或其他方面的法律問題有關的法律程序。
8. 與涉及違反或指稱違反於土地註冊處註冊的文書包括公契（如有的話）的任何契諾、條款或條件的法律問題有關的法律程序。

- registered in the Land Registry including a deed of mutual covenant (if any).
5. Proceedings relating to any question of law concerning the powers and duties of—
- (a) a corporation;
 - (b) a management committee, and of the chairman, secretary and treasurer thereof;
 - (c) a manager within the meaning of section 34D(1);
 - (d) an owners' committee within the meaning of that section;
 - (e) the tenants' representative,
- including such powers and duties (if any) of a financial, pecuniary or fiduciary nature.
6. Proceedings relating to any question of law concerning ownership, occupation or possession of the whole or any part of the building, including ownership or an undivided share in a building or in land on which there is a building.
7. Without prejudice to paragraph 6 and subject to section 45(3), proceedings relating to any question of law concerning the extent and applicability or otherwise of any contractual or proprietary right enjoyed by owners and occupiers or otherwise referred to in the terms and provisions of an instrument which is registered in the Land Registry including a deed of mutual covenant (if any).
8. Proceedings relating to any question of law concerning any breach or alleged breach of any covenant, term or condition specified in an instrument which is registered in the Land Registry including a deed of mutual covenant (if any).

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9. 與第 7 段所提述的任何合約上的權利或所有權權利或第 8 段所提述的任何契諾、條款或條件 (視屬何情況而定) 的執行 (不論以強制履行令、強制令、聲明、損害賠償或其他方式執行) 有關的法律程序。

(由 1993 年第 27 號第 41 條增補)

9. Proceedings relating to the enforcement of any contractual or proprietary right referred to in paragraph 7 or any covenant, term or condition referred to in paragraph 8, as the case may be, whether by way of specific performance, injunction, declaration, damages or otherwise.

(Added 27 of 1993 s. 41)

附表 11

[第 5B 及 42 條]

(由 2007 年第 5 號第 36 條修訂)

業主的百分率的計算

就第 5B 條而言——

- (a) 現指明第 3(8)、3A(3F)、4(10) 及 40C(9) 條及附表 3 第 1(2) 及 5 段、附表 6 第 1A 段及附表 8 第 11 段；(由 2007 年第 5 號第 36 條代替)
- (b) (a) 段所指明的條文中所提及有關業主的百分率的計算，須根據以下方式作出——

業權的形式	舉例說明	須計算為
1. 1 個單位由多人共有的業權	3 名共同擁有人擁有 1 個單位 (由 2007 年第 5 號第 71 條修訂)	1 名業主
2. 1 名業主擁有多於 1 個單位	1 名業主擁有 35 個單位	1 名業主

Schedule 11

[ss. 5B & 42]

(Amended 5 of 2007 s. 36)

Enumeration of Owners

For the purposes of section 5B—

- (a) sections 3(8), 3A(3F), 4(10) and 40C(9) and paragraphs 1(2) and 5 of Schedule 3, paragraph 1A of Schedule 6 and paragraph 11 of Schedule 8 are specified; (*Replaced 5 of 2007 s. 36*)
- (b) the enumeration of the percentage of owners mentioned in the provisions specified in paragraph (a) shall be computed as follows—

Form of ownership	Illustration	To be counted as
1. Multiple ownership of 1 flat	1 flat with 3 co-owners	1 owner
2. 1 owner owning more than 1 flat	1 owner owning 35 flats	1 owner

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業權的形式	舉例說明	須計算為
3. 1 名代表或多於 1 名代表獲多於 1 名業主委任	(a) 1 名代表獲 100 名業主委任 (b) 35 名代表獲總共 100 名業主委任	投票權相等於獲業主有效委任為代表的數目。 在舉例說明的個案中，則為 100 名業主。

(附表 11 由 2000 年第 69 號第 27 條增補)

Form of ownership	Illustration	To be counted as
3. 1 person or more than 1 holding proxies from more than 1 owner	(a) 1 person holding proxies from 100 owners (b) 35 persons holding proxies from 100 owners in aggregate	Voting rights equal to the number of valid proxies held. In the cases as illustrated, 100 owners.

(Schedule 11 added 69 of 2000 s. 27)