

**CHARTERED INSTITUTE OF HOUSING ASIAN PACIFIC BRANCH**  
**英國特許房屋經理學會亞太分會**

通訊地址：香港灣仔港灣道25號海港中心1808室  
Postal Address: Room 1808, Harbour Centre, No. 25 Harbour Road, Wanchai, Hong Kong.  
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Internet Website: www.cih.org.hk



Our ref: RY/CIH/2006-0002/bk

10 March 2006

Mrs Angelina Cheung, JP  
Assistant Director  
Division 4  
Home Affairs Department  
21<sup>st</sup> Floor, China Overseas Building  
139 Hennessy Road,  
Wan Chai  
Hong Kong

Dear *Angelina,*

**Bills Committee on the Building Management (Amendment) Bill 2005**

In response to your paper dated 17 February regarding the unfair practices of prohibiting communications among owners by the incumbent management committee or management company, our Institute has discussed this issue and our views are concluded as below.

1. There is Code of Professional Conduct of our Institute setting out the standards of personal and professional conduct required and includes a number of rules that give our members clear guidance on how to conduct themselves. Sections 2.1 and 2.4 of the Code which relate to avoidance of unfair practice are extracted below for your easy reference.
  - (2.1) Members must perform their duties diligently, conscientiously, without favour and with regard to the interests of their employers, professional colleagues, their customers and business associates.
  - (2.4) Members must seek to eliminate discrimination and promote quality of opportunity for all. They must not discriminate against any individual or group on the grounds of race, ethnic origin, nationality, religion, cultural background, sex, domestic circumstances, disability, illness, age or sexual orientation.

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2. To prohibit owners' committee or management committee from imposing restrictions to other candidates, we would suggest statutory enforcement rather than a code of practice. Provisions to avoid unfair practice may be added in the Tenth Schedule of the BMO, Hearing and Determination of Specified Proceedings by Tribunal. It would allow other candidates to refer the case to Lands Tribunal for a adjudication when the management committee imposes unfair restrictions on various means of communication.
3. On the other hand, Home Affairs Department and relevant professional bodies should jointly promote the good practices of conducting property management activities to owners committees to educate them the importance of a fair election.

Please feel free to contact Mr Wesley Sze, Chairman of our Professional Practice Committee at 2850-0936 if you wish to discuss the matter further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ricky Yuen', is written over a faint, illegible typed name.

Ricky Yuen

Chairman

Chartered Institute of Housing Asian Pacific Branch