

## Joint Legal Forum - Building Management Amendment Bill 2005 and Recent Cases

Tsang Chak Wah

The Joint Legal Forum - Building Management Amendment Bill 2005 and Recent Cases was jointly organized by The CIH (Asian Pacific Branch) and The HKIH and held on 28 May 2005 at venue of Lecture Theatre, 4th Floor, Academic Building, City University of Hong Kong.

Our honourable Guest Speaker was Mr KWOK Kwun-ying, who shared his views with us on the details of major amendments of the BMO. The long-awaited Building Management (Amendment) Bill 2005 was gazetted on 1 April 2005. The bill proposed various amendments to the existing Ordinance after consultation period of about 2 years. The first reading before Legco was on 27 April 2005 and Bills Committee was formed on 29 April 2005 for further discussion.

The amendments that are concerned with insurance industry are those amendments proposed to the "new" section 28 of the Ordinance, a section not yet in operation. The "new" section 28 was in fact enacted back in 2000. It primarily required the owners' corporation of a building to effect and maintain insurance over third party risks in relation to the common parts on behalf of the owners. Members of the management committee of the IO who fail to do so may find themselves having committed a criminal offence.



Our Guest Speaker - Mr. KWOK Kwun-ying



The Forum was well received by the members

A new section 41 (ca) was also introduced to empower the Chief Executive in Council to make regulations governing the conditions, requirements etc., which are to apply in respect of those policies. The Government's idea was to introduce a compulsory insurance scheme into personal injuries claims made by third parties against IO similar to those now in force in employees' compensation and road traffic accidents.

The following summarizes the major topics of Building Management (Amendment) bill 2005 as presented in this forum :

1. Appointment of management committee / formation of owners' corporation
2. Composition and operation of the management committee / owners corporation
3. Termination of the appointment of managers
4. Procurement of supplies, goods and services
5. Keeping management funds in separate accounts
6. Compulsory 3rd party Liability Insurance
7. Notice convening meetings

Since the topic is hit and important to the housing management industry, Members from both Institutes are enthusiastic and about 300 members participated in the forum. We are pleased to have Mr. Kwok's consent to upload his presentation file in our web site. If you have not attended the forum, you can visit our website [www.cih.org.hk](http://www.cih.org.hk).

# 2005 中國房地產物業管理年度峰會



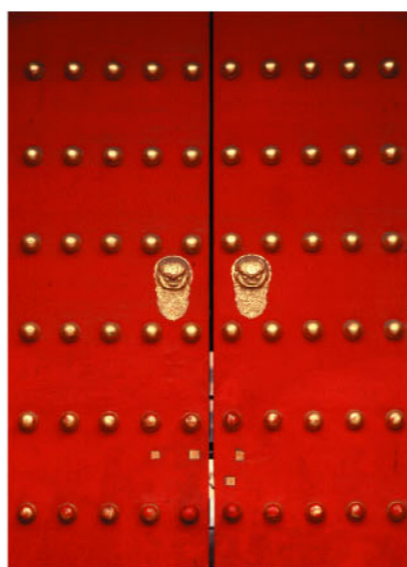
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「2005 中國房地產物業管理年度峰會」於二零零五年三月二十六及二十七日假北京大學百年堂舉行。峰會由北京大學、中國地產市商學院及《中國地產》雜誌聯合主辦，是主辦單位在本年度面向行業的重要盛會。

峰會目的在網聚房地產及物業管理領域專業人士，滙集房地產及物業管理企業的成功經驗和理念，透過溝通平台的建立，推進物業管理公司與房地產企業的合作與共同發展。主辦單位向本會發出邀請，希望我們能安排代表出席。恰巧我因私務在峰會期間留駐北京大學，正好領會長指示代表出席會議。

北大校園的清早晨光瀉滿，與會嘉賓很早到場與業界友好打招呼。峰會是以主題演講形式進行，演講過後安排嘉賓對話環節，增進互動交流的空間。演講嘉賓有北京市物業管理商會會長于慶新和來自北京市頂尖房地產企業及物業管理企業的領導，大會更請來北京建設委員會物業管理處劉剛處長為峰會作開幕演講。

劉處長的演講主要環繞現時北京市物業管理企業的現狀和發展情況作介紹，內容明確表示了市建委對物業管理服務行業發展的關注，例如「北京市安全物業管理條例」的修訂、「北京市中檔服務標準」的即將出台等；更提示了北京物業管理企業偏重人力資源而技術含量較低的特殊情況，希望企業能重視新技術的引進，從而提高行業的質素，拓闊北京物業管理的發展能力。



本會執委樊翠琼小姐（右一）與其他出席者合照

其他嘉賓講者均為業界大型企業的領導，他們透過本身企業在北京投入服務的經驗所得，對現時北京物業管理行業所面對的問題、客觀條件的限制、社會狀況的特徵等作了認真的探討，切實發揮了峰會要建立溝通平台交流經驗的理想方向。

峰會最後的程序安排是到北京清華科技園的實地訪問參觀，可惜我因時間編配的緊絀未能參加，誠然是十分遺憾。

**北京市安全物業管理條例**  
**北京市中檔服務標準**



**Mr. Ricky Yuen, APB's Chairman**  
Delivered a speech on Hong Kong's Building Management and Maintenance Scheme.

## Overseas Housing Issues Discussed in Harrogate Conference

### Publications Committee

This year, CIH held its annual housing conference at Harrogate from 21st to 24th June 2005. The theme of the conference was "Building Communities". Details of the conference are available at CIH's website [www.cih.org](http://www.cih.org).

In this article, we wish to highlight the overseas (i.e. outside UK) housing issues discussed at the conference.

### Creative Housing Solutions in New Zealand

(Presented by Ms Helen Fulcher, CE/Housing NZ Corporation)

New Zealand has a population of 4 million people. It was estimated that 3,500 households are living at unsafe and substandard housing. Major problems encountered in urban areas are :

- 80% households living in public rental areas encounter health problems. There is an epidemic of TB.
- 30% households living in public rental areas encounter overcrowding problem. Overcrowding and relationship problems exist in extended families where 3 generations live together.



The following solutions have been proposed to address the unsafe and unhealthy problems :

- Establish suspensory loans of NZ\$15,000 to help improving the situation
- Improve infrastructure on sewer, water and power supply
- Install smoke detector for individual households
- Work in partnership with public rental authorities to resolve overcrowding and health problems
- Work in partnership with district health boards to conduct health census to access health situation
- Work with local authorities to create employment and training opportunities
- Help owners / tenants to improve ventilation, lighting, insulation and cleanliness.

### Canadian Housing Policy - "Waiting, Hoping and Dreaming"

(Presented by Ms Joyce Potter of Canadian Housing & Renewal Association)

#### BACKGROUND INFORMATION

- The private sector is functioning well.
- About 6% of housing stock belong to social housing
- About 1.7 million households are in core housing needs
- Growing homelessness is observed.



#### ADVOCACY

- Homelessness is recognized as a national disaster. There is an urgent need of establishing national housing strategy.
- National Homelessness Initiatives were introduced in 1999 and Affordable Rental Housing Programme was introduced in 2000 to cope with the homelessness "disaster".

#### ENCOURAGING SIGNS

Canada is now :

WAITING - for the complete development of national housing framework

HOPING - for speedy passage of the budget where Can\$1.6 billion has been proposed to cater for housing needs in the budget bill

DREAMING - of government's long term commitment, e.g. retaining housing legacy funds to resolve the problem.

## Building Management and Maintenance Scheme in Hong Kong

(Presented by Mr Ricky Yuen, Chairman of CIH APB)

Incidentally, details of the scheme were published in the previous newsletter. For interest, summary of the scheme is presented in powerpoint format below for reference.

## South Africa's Housing Policy

(Presented by Mr John Hokins of South Africa's Institute of Housing)

### Pre-1994 Situation

- People suffered low income because of job shortage
- Housing policy was fragmented and there was lack of capacity in providing adequate housing.
- Non-payment of rent and charges was habitual among owners and tenants.
- There was lack of financial assistance from the government and severe housing shortage.

## Factors Affecting Housing Provision

- In 2004, there is a population of 47.5 million people, about 2.1% growth every year.
- Between year 1996 and 2001, there is an increase of 4.2 million in population. The number of households increased by 30% mainly due to drop in average household size from 4.5 to 3.8.
- Urbanization is rapid and there is AIDS impact.
- Because of economic inflation, the government has spent more but could build less in the previous years.

## NEW PROPOSALS

The government policy initiatives would focus on :

- Provision of rental housing, social housing and emergency housing
- Establishment of land policy
- Provision of rural housing and strategic planning on integration to relieve the rapid urbanization pressure
- Involvement of private developers to provide some housing for the lower income group.

Housing professionals from different parts of the world realized that the problems they encountered were very similar. These problems include homelessness, inadequate housing, unsafe and substandard housing, government's commitment and people's awareness. Most participants showed interest in Hong Kong's Building Management and Maintenance Scheme. They thought it could upgrade standard of existing housing and save resources in rebuild.

## CIH's Annual General Meeting

Apart from attending the conference, APB's delegates attended CIH's AGM. At the meeting, Mr Barrington Billings, FCIH, was appointed CIH's president for the Council Year 2005/2006.



APB's Representatives congratulated Mr. Barrington Billings after having been elected as CIH's President at the AGM on 21 June 2005

# 「樓宇管理維修綜合計劃」

## 午餐講座

蔡國璋



主講嘉賓黃傑龍先生

由香港物業管理公司協會舉辦的「樓宇管理維修綜合計劃」午餐講座，已於二零零五年五月十八日假銅鑼灣世貿中心舉行。當日出席的業界友好有近百人，而本會亦有十多位執委參與，藉以加深對該計劃的了解。

是次主辦單位邀請到香港房屋協會物業總監黃傑龍先生作為主講嘉賓，親自向業界介紹這個計劃。經香港物業管理公司協會會長孫國林先生介紹後，主講嘉賓隨即向參加者簡介「樓宇管理維修綜合計劃」的背景，內容，以及計劃對舊廈業主、商界和業界的幫助等。

黃傑龍先生指香港房屋協會(以下簡稱「房協」)作為政府的合作夥伴，致力提升本港樓宇的整體質素，向業主推廣妥善樓宇管理及維修的意識，並為私人樓宇業主提供「一站式」服務，鼓勵及協助他們改善管理及維修。是項計劃針對舊廈業主欠缺專業知識、責任知識、資源和組織的問題，特別提供教育宣傳、指引及專業意見和免息貸款計劃等，協助他們進行單位內有關安全及環境衛生的維修保養工程。

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- 教育宣傳
  - 指引及專業意見
  - 免息貸款計劃
  - 安全及環境衛生
  - 維修保養工程

為了推行是項計劃，房協在未來十年將預留三十億元，以推行「樓宇維修資助計劃」及「家居維修貸款計劃」。預料「樓宇維修資助計劃」可讓大約1萬5千幢大廈，即約23萬8千個單位受惠；而「家居維修貸款計劃」則可惠及大約52萬8千個單位。

最後，黃先生介紹了是項計劃可帶來的商機，包括最為業界所關注的舊廈物業管理服務和「一條街」管理服務。同時，業界更可把握機會，為業戶提供多項增值服務，例如：成立法團資助、公眾責任保險資助、免費法團工作坊或訓練課程、單位維修貸款、維修資助等。黃先生亦藉此呼籲業界支持，創造政府、管理公司及業戶的三贏局面。