

Brief Notes on Sections 3, 3A, 4 and 40C of the Building Management Ordinance (Cap. 344)
(Important: Please read this note before completing the forms LR161, LR164 and LR167)

Management Committee of an Owners' Corporation may be appointed under sections 3, 3A, 4 or 40C of the Building Management Ordinance (Cap. 344) ("BMO").

Section 3 - Appointment of management committee ("MC")

An MC is appointed according to section 3 of the BMO in case a meeting of owners is convened by -

- (a) any person managing the building in accordance with the Deed of Mutual Covenant ("DMC") (i.e. DMC manager) (pursuant to section 3 (1) (a) of the BMO) ; or
- (b) any person authorized to convene such a meeting by the DMC (i.e. person authorized by the DMC) (pursuant to section 3 (1) (b) of the BMO); or
- (c) an owner appointed by the owners of not less than 5% of the shares in aggregate (pursuant to section 3 (1) (c) of the BMO).

and the resolution to appoint an MC is -

- passed by a majority of the votes of the owners voting either personally or by proxy; and
- supported by the owners of not less than 30% of the shares in aggregate.

Section 3A - Appointment of MC after application to the Authority (Secretary for Home and Youth Affairs)

An MC is appointed according to section 3A of the BMO in case -

- (a) the Secretary for Home and Youth Affairs, upon application by the owners of not less than 20% of the shares in aggregate, orders a meeting of owners to be convened by such owner as the Secretary for Home and Youth Affairs may direct to appoint an MC and
- (b) at the meeting of owners so convened, the owners by a resolution passed by a majority of the votes of the owners voting either personally or by proxy appoint an MC.

Section 4 - Appointment of MC after application to tribunal

An MC is appointed according to section 4 of the BMO in case -

- (a) the Lands Tribunal, upon application by the owners of not less than 10% of the shares in aggregate or by the Secretary for Home and Youth Affairs or a public officer authorized in writing by the Secretary for Home and Youth Affairs, orders that a meeting of owners to be convened by such owner as the Lands Tribunal may direct and
- (b) at the meeting of owners so convened, the owners by a resolution passed by a majority of the votes of the owners voting either personally or by proxy appoint an MC.

Section 40C - Appointment of MC by order of tribunal

An MC is appointed according to section 40C of the BMO in case -

- (a) where, notwithstanding an order of the Lands Tribunal made under section 4 of the BMO, an MC has not been and is not likely to be appointed under sections 3, 3A or 3 of the BMO and upon the application of the Secretary for Home and Youth Affairs, the Lands Tribunal orders 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, among others, consider and if thought fit, to pass a resolution which appoints an MC for the purposes of managing that building and
- (b) at the meeting of owners so convened, the owners by a resolution passed by a majority of the votes of the owners voting either personally or by proxy appoint an MC.

For more information, please view the related provisions of the Building Management Ordinance (Cap. 344) on the website of Hong Kong e-Legislation (https://www.elegislation.gov.hk/hk/cap344!en-zh-Hant-HK?INDEX_CS=N).