



HONG KONG BAR ASSOCIATION

Secretariat: LG2 Floor, High Court, 38 Queensway, Hong Kong

E-mail: info@hkba.org Website: www.hkba.org

Telephone: 2869 0210 Fax: 2869 0189

Press Release

(For immediate release)

HKBA Submits Responses on Proposed Amendments to Building Management Ordinance

1. The Hong Kong Bar Association (“HKBA”) has submitted a [written response](#) to the consultation paper on the proposed amendments to the Building Management Ordinance (Cap. 344). In doing so, the HKBA had expressed in principle support to the direction of reform suggested in the consultation paper, which includes increasing owners’ participation in building management and tightening proxy and voting rules for large-scale maintenance and high-value procurement, while providing feedback regarding the proportionality over certain proposals after taking into account, *inter alia*, the need to respect and protect private property rights.
2. The HKBA’s response was a result of thorough study and research into more than two dozen decisions emanating from the Courts (in particular, the Lands Tribunal), which highlights the practical difficulties in building management and the loopholes in existing legislation which hampers governance. The HKBA looks forward to reviewing the draft bill and expresses hope that it will reflect the policy direction embodied in the consultation paper and the HKBA’s recommendations thereon.

Enhancing Proxy Regulations

3. Addressing proxy disputes, the HKBA supports capping the number of proxy instruments a particular person may hold as an appropriate and proportionate safeguard for meetings involving large-scale maintenance procurement to avoid voting concentration. For larger developments, a percentage-based cap may be desirable. Even if the cap is breached, this should not invalidate all proxies held by that person, but only those lodged after the cap has been reached. The HKBA also endorses requiring proxy instruments to be lodged 96 hours before meetings involving large-scale maintenance procurement, and public disclosure of proxy 48 hours before

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the meetings with compliance to relevant requirements under the Personal Data (Privacy) Ordinance (Cap. 486).

4. However, the HKBA has reservations about restricting proxies to relatives or other owners of the same estate, as such a limitation would unduly curtail owners' freedom and autonomy to appoint a proxy who is able and willing to represent their interests. The risks of false or forged proxies can be addressed by strengthening verification measures rather than imposing identity-based restrictions. It also recommends studies to be conducted for the creation of a centralised electronic voting platform for statutory voting above defined thresholds.

Higher Thresholds of Attendance and Voting for High-value Procurement Contracts

5. The HKBA agrees, in principle, to a tiered system for large-scale maintenance procurement that would raise the quorum and in-person voting requirements. To ensure that essential building projects or management are not unduly hindered and avoid paralysis in the decision-making process, the HKBA recommends a proper safeguard or fallback mechanism to enable affected owners to seek Lands Tribunal directions where the statutory threshold prevents a decision from being made when safety compliance or statutory notices are involved.
6. As for Type 2 high-value procurement contracts (those exceeding 20% of the building's annual expenditure for the last three financial years), the HKBA only recommends imposing in-person voting threshold for contracts involving material safety considerations, potential conflicts of interest, or exceptional financial implications. Contracts under this category may oftentimes be ordinary service contracts, such as lift maintenance, cleaning, or security. An undifferentiated approach may not be proportionate, and it is neither realistic nor practical to treat all procurement decisions as carrying the same level of risks.

Declaration of Interests for Large-scale Maintenance Procurement

7. The HKBA supports expanding the declaration of interest requirements for large-scale maintenance procurement to plug the current gap that certain persons involved in the works, such as registered inspectors, works consultants and contractors, are not mandatorily required to make disclosures, which may facilitate bid-rigging. The duty to declare should expressly cover direct and indirect interests, including shareholdings, common directors, family relationships, business co-operation, referral or

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rebate arrangements, among others. Such declarations should be disclosed to owners.

8. The HKBA also supports making a false declaration a criminal offence to deter potential misconduct. Complementary measures to combat illicit bid-rigging activities would of course be welcome and should operate alongside clear and enforceable declaration obligations.

Early Authority Intervention and Express Powers of the Lands Tribunal

9. The HKBA recommends that the Authority should have an own-motion power to intervene where objective statutory triggers exist to address Management Committee dysfunction, such as the absence of all office-bearers, failure to convene annual general meetings within the statutory period, or non-compliance with safety notices or record-keeping requirements.
10. The HKBA supports granting the Lands Tribunal express statutory powers to extend time, approve alternative notice or service methods, and make practical directions where compliance with ordinary meeting procedures is impracticable in exceptional circumstances.
11. Regarding the proposed creation of an Appeal Board (Building Management), the HKBA looks forward to receiving clarifications in relation to its intended scope of power, the intended division of jurisdiction between the Lands Tribunal and the Appeal Board, and whether it is intended for all of the Appeal Board's decisions to be insulated from judicial review.

Derivative Action Mechanism for Deed of Mutual Covenant Enforcement

12. While beyond the scope of the consultation, the HKBA highlights a gap where individual co-owners lack locus to directly enforce Deed of Mutual Covenant provisions if a Management Committee refuses to act against breaches that may hinder structural or fire safety. It may be worth exploring to introduce a mechanism to allow affected owners to seek permission to bring enforcement actions in the name of the Owners' Corporation where it or the Management Committee unreasonably refuses to act on a safety-critical breach of the Deed of Mutual Covenant.

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Please refer to the HKBA's response regarding its other observations and recommendations in detail.

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11 October 2026

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Mr. Maurellet, José Antonio, S.C., Chairman of the HKBA, with the HKBA's Response to Consultation Paper on Building Management Ordinance (Cap. 344) Proposed Amendments



The HKBA's Response to Consultation Paper on Building Management Ordinance (Cap. 344) Proposed Amendments

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