

Secretary of Owners' Corporation fined for violating Building Management Ordinance

A secretary of the management committee (MC) of an owners' corporation (OC) was earlier prosecuted under the Building Management Ordinance (Chapter 344) (BMO). The MC secretary was fined \$8,400 at the Eastern Magistrates' Courts yesterday (October 3).

The MC secretary of the OC failed to notify the Land Registrar of the name and address of the insurance companies and the period covered by the third-party risk insurance policies within 28 days after the relevant policies had come to effect. The secretary of the MC involved in this case is the property management company of the building.

Sections 12(3), 12(4) and 28(6A) of the BMO stipulate that if there are any changes in the registered particulars of an OC in the register of corporations (including changes in respect of third party risk insurance policies), the secretary of the MC shall notify the Land Registrar within 28 days in a form specified by the Land Registrar. In the event of a contravention, the secretary of the MC shall be guilty of an offence punishable by fine.

In this case, the MC secretary involved is a property management company engaged by the building concerned, which should possess the necessary professional knowledge to assist the OC and owners in handling building management matters in accordance with the relevant provisions of the BMO. After examining the circumstances of this case and consulting the Department of Justice, the Government decided to take prosecution against the offender in accordance with the BMO.

A spokesman for the Home Affairs Department (HAD) points out that private buildings are the property of their owners and building management is the responsibility of the owners concerned. OCs should comply with the provisions of the BMO. The HAD appreciates that most MC members of OCs act voluntarily on behalf of other owners to deal with building management matters. Hence, in addition to providing a legal framework under the BMO to enable owners to form OCs, the HAD has also been providing various support services to OCs and owners, including legal advisory services, mediation services, education and publicity, etc. The HAD will continue to provide appropriate support to OCs and owners in need to assist owners in fulfilling their responsibilities in building management.