

## **Application Notes for building without Owners' Corporation (referred to as 'OC' hereafter)**

### **1. The Applicant**

#### **1.1 Applicable to building not owned by a Civil Servants' Co-operative Building Society**

- 1.1.1 In the case where OC has not been formed, **all owners of the building** shall be the applicant of the related subsidy scheme. The owners should jointly appoint and authorise relevant persons as Applicant's Representatives based on the various situations listed in the table below to handle all matters related to the application and all other aspects of the subsidy scheme. Please note that if the DMC has not expressly stated that (1) resolutions on common areas repair, improvement, upgrading, maintenance and replacement of facilities can be passed at Owners' Meetings and (2) such resolutions are legally binding on all owners of the building, such resolutions shall only be deemed valid with **unanimous approval by all owners (and not majority approval by owners who have attended such meeting)**. The URA has the right to review the DMC terms of the building and decide whether the application meets the related application criteria and the decision of the URA as to whether or not the application be accepted shall be final:

	Has an Owners' Committee been formed under DMC?	Has managers been appointed under Building Management Ordinance (Cap.344) and DMC <sup>Note 1</sup> ?	Applicant's Representatives
(i)	Yes	No	<b>At least two</b> authorised members of the Owners' Committee
(ii)	No	Yes	Manager
(iii)	Yes	Yes	At least two authorised members of the Owners' Committee <b>AND</b> Managers as co-representatives
(iv)	No	No	<b>At least two</b> authorised owners

Note 1: 'Manager' refers to the company or person who for the time being is, for the purposes of the DMC.

- 1.1.2 The appointment and authorisation of Applicant's Representatives shall only be valid after the related resolutions are passed at a general meeting. Please refer to Paragraph 2 below for the content and requirements of the resolutions to be passed at the general meeting.
- 1.1.3 In the case of a building falling under item (ii) or (iii) in Paragraph 1.1.1 above, the Applicant must submit an independent legal opinion to URA to certify that points (1) and (2) in Paragraph 1.1.1 are complied with.
- 1.1.4 In the case of a building falling under item (i) or (iv) in Paragraph 1.1.1 above, Applicants may call the Hotline at 3188 1188 for enquiry if they have queries over their building's DMC as regards the provisions of points (1) and (2) in Paragraph 1.1.1.

#### **1.2 Applicable to buildings owned by a Civil Servants' Co-operative Building Society (CBS) not yet dissolved (CBS buildings)**

- 1.2.1 Since all units in CBS buildings are owned by the CBS, the CBS shall be the applicant of the related subsidy scheme. Except the case mentioned in Paragraph 1.2.2 below, the CBS Committee shall handle all matters related to the application for the subsidy scheme and obtain all necessary resolutions passed at a CBS General Meeting. Please refer to Paragraph 2 below for the content and requirements of the resolutions to be passed.

- 1.2.2 Pursuant to clause 33 of Co-operative Societies Rules (Cap.33A), duties of the CBS Committee are limited to those specially assigned by the said Rules or related CBS by-laws relating to General Meetings or to any other officers of the CBS. For any matters that fall beyond the authority of the CBS Committee, the authorisation procedures involved are subject to the said Rules or related CBS by-laws. The URA shall determine whether the application complies with the related statutory requirements based on the by-laws of each CBS and the decision of the URA as to whether or not the application be accepted shall be final.

## **2. Resolutions (Applicable to buildings without Owners' Corporation)**

- 2.1 Application for relevant subsidy schemes must include copies of meeting notices and minutes of general meeting or CBS General Meeting (for CBS buildings) (collectively referred to as '**Meeting**') where resolutions of the following agendas have been validly passed:

- (a) To resolve on the application for the related subsidy scheme;
- (b) To appoint and authorise the Applicant's Representatives to sign the Application Form and all other documents related to the subsidy scheme for and on behalf of all owners / the CBS;
- (c) To carry out such works related to the subsidy scheme ('**Works**') that fall under the definition of the scope of works covered by the related subsidy scheme;
- (d) To apportion the cost and expenditure related to the Works among all owners of the building based on the DMC or related provisions in Building Management Ordinance (for CBS buildings, such cost and expenditure shall be paid by the CBS and/or apportioned among its members according to Co-Operative Society Rules or by-laws of the CBS);
- (e) To apply for 'Smart Tender' <sup>Note 2</sup> (if the application for the URA's 'Smart Tender' is required by the relevant subsidy scheme)

The following paragraphs (f) and (g) apply only where the Applicant is applying for "Lift Modernisation Subsidy Scheme":

- (f) To use e-tendering platform under 'Smart Tender' of URA to procure registered lift contractor <sup>Note 3</sup>;
- (g) To agree to URA arranging the following services <sup>Note 3</sup>:
  - (i) e-tendering platform under 'Smart Tender' to engage the registered lift contractor;
  - (ii) Tender opening process and related support procedures under Paragraph 2.1(g)(i) above by independent professional or professional accountant;
  - (iii) Consultancy service provided by designated service provider for carrying out the lift modernisation works (if applicable)
- (h) To authorise the Applicant's Representatives / CBS Committee Members to collect subsidies issued by the URA under the relevant scheme on behalf of the building / estate and all eligible owners / members; and
- (i) (i) For cases under item (i) in Paragraph 1.1.1 above, to authorise no less than two members of the Owners' Committee who are Applicant's Representatives to open a dedicated bank account for the Works and to handle all matters related to collection and release of subsidy from the scheme;
- (ii) For cases under item (ii) or (iii) in Paragraph 1.1.1 above, to authorise the Managers to open a dedicated bank trust account (the name of the relevant building / estate must be specified) and to handle all matters related to collection and release of subsidy from the scheme;

- (iii) For cases under item (iv) in Paragraph 1.1.1 above, to authorise no less than two owners who are Applicant's Representatives to open a dedicated bank account for the Works and to handle all matters related to collection and release of subsidy from the scheme;
- (iv) For CBS buildings, to authorise the CBS Committee to open a dedicated bank account for the Works in the name of the CBS and to handle all matters related to collection and release of subsidy from the scheme.

2.2 It is the applicant's duty to confirm that the aforementioned resolutions comply with Building Management Ordinance (Cap.344) and DMC / Co-operative Societies Rules (Cap.33A) and by-laws of the CBS (if applicable), and that such resolutions are binding on all owners or members.

Note 2: For resolution required to be passed in order to be eligible for 'Smart Tender', please refer to Paragraph 4.2.3 of 'AN-ST'.

Note 3: Not applicable to cases where tenders for the registered lift contractor have been invited or the works have commenced before the launching (i.e. 29 March 2019) of the First Round application of "Lift Modernisation Subsidy Scheme".

**Please submit the complete Application Form and supporting documents to the following URA office according to the requirements of different subsidy/assistance scheme:**

<b>Subsidy / Assistance Scheme</b>	<b>Deadline</b>	<b>Address of URA Office</b>	<b>Office Hours</b>	<b>Submission Method</b>
Lift Modernisation Subsidy Scheme	30 June 2020	Building Rehabilitation Office: Unit 1001, 10/F, Tower 2, Cheung Sha Wan Plaza, 833 Cheung Sha Wan Road, Kowloon	Monday to Friday 08:45 – 12:30 13:30 – 18:00	By post or in person
		Urban Renewal Resource Centre: 1/F, 6 Fuk Tsun Street, Tai Kok Tsui, Kowloon	Monday to Friday 10:00 – 19:00 Saturday 10:00 – 18:00	In person
		Headquarters: 26/F, COSCO Tower, 183 Queen's Road Central, Hong Kong	Monday to Friday 08:45 – 18:00	
		Kowloon City Neighbourhood Centre: Units K & L, 1/F, Sunshine Plaza, 17 Sung On Street, Hung Hom, Kowloon	Monday to Friday 08:45 – 13:00 14:00 – 18:00	
Common Area Repair Works Subsidy	Not Applicable	Building Rehabilitation Office: Unit 1001, 10/F, Tower 2, Cheung Sha Wan Plaza, 833 Cheung Sha Wan Road, Kowloon	Monday to Friday 08:45 – 12:30 13:30 – 18:00	By post or in person
'Smart Tender' Building Rehabilitation Facilitating Services				
Mandatory Building Inspection Subsidy Scheme				

**Please submit the required documents to the URA office according to the subsidy/assistance scheme you join upon submission of the Application Form:**

Item	Required documents	Subsidy/assistance scheme to join			
		Common Area Subsidy Scheme	'Smart Tender'	Mandatory Building Inspection Subsidy Scheme	Lift Modernisation Subsidy Scheme
1	Copies of the meeting notices and minutes of the owners' meeting passing the resolutions of related issues	<input checked="" type="checkbox"/> (please refer to Paragraph 2.4.2 of "AN-CAS")	<input checked="" type="checkbox"/> (please refer to Paragraph 4.2.3 of "AN-ST")	<input checked="" type="checkbox"/> (please refer to Paragraph 2.3.2 of "AN-MBISS")	<input checked="" type="checkbox"/> (please refer to Paragraph 3.3(c) of "AN-LIMSS")
2	A copy of the Certificate of Registration of OC/Certificate of Registration of a Society/ Certificate of Registration and by-laws of CBS (if applicable)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3	A copy of Statutory Notice or pre-notification letter issued by Buildings Department for mandatory inspection of common part of the building	<input checked="" type="checkbox"/> (if applicable)	<input checked="" type="checkbox"/> (if applicable)	<input checked="" type="checkbox"/>	
4	A copy of statutory order of advisory letter on safety improvements for common areas of the building issued by government department (if applicable)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
5	Appendix "Information Sheet of Lift" on Page 14 of "AN-LIMSS(2)", duly completed by the Applicant and the lift maintenance contractor, describing the missing safety devices and current status of serviceable floor of the lift(s).				<input checked="" type="checkbox"/>
6	A copy of improvement order for the related lift(s) issued by the Electrical and Mechanical Services Department (EMSD) pursuant to Lifts and Escalators Ordinance (if applicable)				<input checked="" type="checkbox"/>
7	If the building has appointed consultant or/and registered lift contractor, the applicant must submit copies of consultancy service contract or/ and works contract				<input checked="" type="checkbox"/>

# Deadline of application for Second Round "Lift Modernisation Subsidy Scheme" is on 30 June 2020.

## List of Abbreviations

### Application Notes for Building (Applicable to Owners' Corporation / Owners' Organisation / Representatives of all owners)

Abbreviation	Application Notes
AN-CAS	Application Notes for Common Area Repair Works Subsidy
AN-LIMSS(2)	Application Notes for Second Round Lift Modernisation Subsidy Scheme
AN-OBB2.0(Bldg)	Application Notes for Operation Building Bright 2.0 (Applicable to Owners' Organisation of Category 1 Building)
AN-FSWS	Application Notes for Fire Safety Improvement Works Subsidy Scheme
AN-ST	Application Notes for Smart Tender Building Rehabilitation Facilitating Services
AN-MBISS	Application Notes for Mandatory Building Inspection Subsidy Scheme

### Application Notes for Individual Flat Owner

Abbreviation	Application Notes
AN-OBB2.0(OO)	Application Notes for Operation Building Bright 2.0 (Applicable to Owner- Occupier)
AN-LIMSS (2) (EOO)	Application Notes for Second Round Lift Modernisation Subsidy Scheme (Applicable to Elderly Owner- Occupier)
AN-HRIL	Application Notes for Home Renovation Interest-free Loan
AN-HLHG	Application Notes for Home Renovation Hardship Grant
AN-CASHG	Application Notes for Common Area Repair Works Hardship Grant
AN-BSLS	Application Notes for Building Safety Loan Scheme
AN-BMGS	Application Notes for Building Maintenance Grant Scheme for Elderly Owners