

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

(Not applicable to the Applicant of "Water Safety Plan Subsidy Scheme")

1. The Applicant**1.1 Applicable to building not owned by a Civil Servants' Co-operative Building Society**

1.1.1 For buildings without an OC, the applicant applying for the subsidy scheme(s) shall be **all owners** of the building. Owners of the building shall appoint and authorise relevant person(s) as Applicant's Representative(s) according to the different circumstances described in the table below to take charge of all matters related to the application and subsidy scheme(s). **Please note** that, if it has not been expressly provided in the DMC of the building that (1) the general meeting of owners may approve resolutions concerning repair, improvement, enhancement and maintenance of common areas and replacement of facilities in the building; and (2) such resolutions shall be binding on all owners, such resolutions shall only be valid if they are **unanimously approved by all owners (instead of by a majority of the owners attending the relevant meeting)**. The URA is entitled to review the terms of the DMC of the building and decide whether the application concerned is in compliance with the relevant application requirements. The URA shall have the final right of decision to the acceptance of any application:

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

Note 1: 'Manager' refers to the company or person who for the time being is managing the building, 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 the 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 for 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 Section 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'^{Note 2} (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 "Building Drainage System Repair Subsidy Scheme":

- (f) To resolve using e-tendering platform under 'Smart Tender' of URA to engage registered contractor;
- (g) To agree with URA arranging the e-tendering platform under 'Smart Tender' to engage the registered contractor;
- (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 Applicants are responsible for ensuring that the resolutions above are in compliance with the terms in the DMC of the building / Co-operative Societies Rules (Cap. 33A) and the articles of the CBS (if applicable), and such resolutions shall be binding on all owners and members of the CBS.

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'.