

Handling Instrument of Appointing a Proxy

Best Practice Guide

Code No.: G21/2024



Property Management Services Authority

Best Practice Guide on Handling Instrument of Appointing a Proxy

Guide No.: G21/2024

Effective Date: 19 January 2024

Preamble

For the purpose of enabling licensees¹ to comply more effectively and professionally with the guidelines set out in the Code of Conduct² entitled “Handling Instrument of Appointing a Proxy” (Code No.: C21/2024) (“Code”) issued by the Property Management Services Authority (“PMSA”) on 19 January 2024, the PMSA provides relevant guidelines in this Best Practice Guide (“Guide”) pursuant to section 44³ of the Property Management Services Ordinance (Cap. 626) (“PMSO”). While licensees are encouraged to use their best endeavours to follow the Guide, failure to comply with the Guide will, however, not be regarded as a disciplinary offence referred to in section 4 of the PMSO.

Background

2. An owner of a property may appoint third party (including other owners, licensed property management company (“PMC”) or its licensed property management practitioner⁴ (“PMP”), or other persons) to represent him/her to attend a meeting of an owners’ corporation (“OC”)⁵ or an owners’ meeting⁶ and vote on the agenda item(s). The PMSA has formulated the Code to provide practical guidance to licensed PMCs and their licensed PMPs on dealing with matters concerning the attendance of the aforementioned meeting as authorised and/or appointed by owners and the related voting matters, and this Guide aims to enable licensed PMCs and their licensed PMPs

¹ The term “licensee” means the holder of the following licence: a PMC licence; a PMP (Tier 1) licence; a PMP (Tier 2) licence; a provisional PMP (Tier 1) licence; or a provisional PMP (Tier 2) licence.

² With regard to the Code of Conduct containing practical guidance issued by the PMSA under section 5 of the PMSO for the purpose of section 4 of the PMSO (disciplinary offences), although a licensee does not incur a legal liability only because the licensee has contravened a provision of the Code of Conduct, the Code of Conduct is admissible in evidence in disciplinary hearings, and proof that a licensee contravened or did not contravene the relevant provision of the Code of Conduct may be relied on as tending to establish or negate a matter that is in issue in the hearings.

³ Section 44 of the PMSO provides: “The Authority may do anything it considers appropriate for it to do for, or in relation to, the performance of its functions”.

⁴ According to Section 2 of the PMSO, licensed PMP means (a) a licensed PMP (Tier 1); or (b) a licensed PMP (Tier 2).

⁵ Refers to meetings convened in accordance with Schedule 3 to the Building Management Ordinance (Cap. 344) (“BMO”).

⁶ Refers to meetings convened in accordance with the DMC of the building (which may include the provisions in Schedule 8 to the BMO that are consistent with and incorporated into the DMC).

to comply more effectively and professionally with the guidelines set out in the Code.

3. Interests and obligations of owners

3.1 Deed of Mutual Covenant (“DMC”) of a property

3.1.1 The DMC of a property is a legal document which is binding on all owners of the property and stipulates clearly the rights, interests and obligations of owners regarding management of their flats and common parts within the property. The DMC, in general, sets out clauses concerning matters relating to owners’ meetings.

3.2 Building Management Ordinance (Cap. 344)

3.2.1 At the OC meeting held in accordance with the BMO⁷, an owner may cast vote in person or by proxy using the instrument (authorisation form) as specified in the BMO⁸ to appoint representative to attend on the owner’s behalf and vote for him/her. The provisions regarding requirements on owners’ meetings set out in Schedule 8 to the BMO shall, to the extent that they are consistent with the DMC, be incorporated into the respective DMC.

Owner appointing proxy to attend OC meeting

Code: A(1) Prior to an OC meeting⁹ is held at a property for which property management (“PM”) services are provided by it, a licensed PMC has to:

(a) remind owners -

- (i) as far as possible, attend the meeting in person and cast vote;
- (ii) if they cannot attend the meeting, they should appoint trustworthy person(s) to attend the meeting on their behalf and cast vote;
- (iii) when appointing proxy, they should fill in the names of the proxy and alternative proxy and the meeting date immediately on the instrument appointing proxy (authorisation form) (if there is no appointment of

⁷ Please refer to footnote 5.

⁸ According to Section 4(1) of Schedule 3 and Section 13(b) of Schedule 8 to the BMO, at a meeting of the corporation and at a meeting of owners, an owner may cast a vote personally or by proxy.

⁹ The BMO specifies OC meetings and its procedure. For details, please refer to Section 4 of Schedule 3 to the BMO.

alternative proxy, delete the respective blank space); and must not sign a blank instrument of appointing proxy (authorisation form) for others to use;

- (iv) the instrument appointing proxy (authorisation form) has to comply with the form set out in the BMO (refer to **Annex 1**), and has to be signed by the owner; if the owner is a body corporate, it has to, notwithstanding anything to the contrary in its constitution, be impressed with the seal or chop of the body corporate and signed by a person authorised by the body corporate in that behalf¹⁰;
 - (v) the instrument appointing proxy (authorisation form) has to be lodged with the secretary of the management committee¹¹ (“MC”) at least 48 hours before the time for holding the meeting¹²; and
 - (vi) the instrument appointing proxy (authorisation form) is valid only if it is made and lodged in accordance with paragraphs A(1)(a)(iv) and (v) of the Code¹³.
- (b) issue to owners instrument appointing proxy (authorisation form) which complies with the form set out in the BMO (refer to **Annex 1**), and accompanied by a statement of purposes in respect of the collection of personal data;
 - (c) remind the secretary of the MC -
 - (i) where an instrument appointing proxy (authorisation form) is received, acknowledge receipt of the instrument appointing proxy (authorisation form) by sending a receipt to the flat of the owner who signs the instrument appointing proxy (authorisation form), or deposit the receipt in the letter box for that flat, before the time for holding the meeting¹⁴; and
 - (ii) display information of the flat relating to the instrument appointing proxy (authorisation form) at a prominent

¹⁰ Refer to Section 4(2)(a) and (b) of Schedule 3 to the BMO.

¹¹ Refers to MC appointed according to Sections 3, 3A, 4 or 40C to the BMO.

¹² Refer to Section 4(3) of Schedule 3 to the BMO.

¹³ Refer to Section 4(4) of Schedule 3 to the BMO.

¹⁴ Refer to Section 4(5)(a)(i) of Schedule 3 to the BMO.

location of the place of the meeting before the time for holding the meeting, and cause the information to remain so displayed until the conclusion of the meeting¹⁵.

(d) remind the chairman of the MC or the person who presides at the meeting (if the chairman of the MC is absent) that he/she has to determine the validity of the instrument appointing proxy (authorisation form) in accordance with paragraph A(1)(a)(vi) of the Code¹⁶.

(e) remind the MC that it has to keep all the instruments for the appointment of proxy (authorisation form) for record for a period of at least 12 months after the conclusion of the meeting¹⁷.

A(2) If the licensed PMC is the secretary of the MC of the property, it has to act in accordance with paragraphs A(1)(c)(i) and (ii) of the Code.

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a(1) A licensed PMC should¹⁸ -

- (a) notify owners the arrangements of convening the meeting and remind owners to attend the meeting in person, as far as possible, and cast vote, through appropriate channels including physical or online means (e.g. deliver letters to property owners, display notice in prominent place in the lobby of each block of the property, promotion through property intranet (if any and applicable), send message to owners' Whatsapp group (if any and applicable), etc.);
- (b) attach "Explanatory Notes on Appointment of Proxy" with the instrument appointing proxy (authorisation form) (refer to **Annex 2**), so as to remind owners the importance of their right to vote;
- (c) consult the OC on handling meetings / handling instrument appointing proxy (authorisation form), including the opening of collection boxes for instrument appointing proxy (authorisation form), counting of instrument

¹⁵ Refer to Section 4(5)(a)(ii) of Schedule 3 to the BMO.

¹⁶ Refer to Section 4(5)(b) of Schedule 3 to the BMO.

¹⁷ Refer to Section 4(6) of Schedule 3 to the BMO.

¹⁸ Refer to items 3.2.14, 3.2.16 and 3.2.18 under item 3 "General Meeting and Use of Proxy Instruments" in "Best Practices on Building Management" (2019 Edition) issued by the Home Affairs Department (https://www.buildingmgt.gov.hk/pdf/Admin_Guidelines_2019_Eng.pdf).

appointing proxy (authorisation form), meeting venue, manpower and support arrangements during the meeting;

- (d) remind owners that when they submit the instrument appointing proxy (authorisation form), they may also provide their contact details (e.g. telephone number, e-mail address, etc.) for facilitating the MC chairman, when ascertaining the validity of the instrument appointing proxy (authorisation form), so that checking can be carried out by the MC chairman or through the assistance of the licensed PMC according to needs; and
- (e) advise owners to, so far as reasonably practicable, lodge their instruments appointing proxy (authorisation form) with the MC secretary as early as possible so as to allow sufficient time for verification to be carried out by the MC chairman or through the assistance of the licensed PMC.

Owner appointing proxy to attend owners' meeting

Code: B(1) Prior to an owners' meeting¹⁹ is held at a property for which PM services are provided by it, a licensed PMC has to:

- (a) remind owners -
 - (i) as far as possible, attend the meeting in person and cast vote;
 - (ii) if they cannot attend the meeting, they should appoint trustworthy person(s) to attend the meeting on their behalf and cast vote;
 - (iii) when appointing proxy, they should fill in the names of the proxy and alternative proxy and the meeting date immediately on the instrument appointing proxy (authorisation form) (if there is no appointment of alternative proxy, delete the respective blank space); and must not sign a blank instrument of appointing proxy (authorisation form) for others to use;
 - (iv) the instrument appointing proxy (authorisation form) has to comply with the form set out in the BMO (refer to

¹⁹ The BMO specifies owners' meeting (appointment of MC) procedure, for details please refer to the requirements in Sections 3(10) and (11) of the BMO.

Annex 3), and has to be signed by the owner; if the owner is a body corporate, it has to, notwithstanding anything to the contrary in its constitution, be impressed with the seal or chop of the body corporate and signed by a person authorised by the body corporate in that behalf²⁰;

- (v) the instrument appointing proxy (authorisation form) has to be lodged with the convenor at least 48 hours before the time for holding the meeting²¹; and
 - (vi) the instrument appointing proxy (authorisation form) is valid only if it is made and lodged in accordance with paragraphs B(1)(a)(iv) and (v) of the Code²².
- (b) issue to owners instrument appointing proxy (authorisation form) which complies with the form set out in the BMO (refer to **Annex 3**), and accompanied by a statement of purposes in respect of the collection of personal data.
- (c) remind the convenor²³ -
- (i) where an instrument appointing proxy (authorisation form) is received, acknowledge receipt of the instrument appointing proxy (authorisation form) by sending a receipt to the flat of the owner who signs the instrument appointing proxy (authorisation form), or deposit the receipt in the letter box for that flat, before the time for holding the meeting²⁴;
 - (ii) display information of the flat relating to the instrument appointing proxy (authorisation form) at a prominent location of the place of the meeting before the time for holding the meeting, and cause the information to remain

²⁰ Refer to Sections 3(10)(a)(i) and (ii) of the BMO.

²¹ Refer to Section 3(10)(b) of the BMO.

²² Refer to Section 3(10)(c) of the BMO.

²³ Section 3(1) of the BMO specifies that a meeting of the owners to appoint an MC may be convened by— (a) any person managing the building in accordance with the DMC (if any); or (b) any other person authorized to convene such a meeting by the DMC (if any); or (c) one owner appointed to convene such a meeting by the owners of not less than 5% of the shares in aggregate.

²⁴ Refer to Section 3(10)(e)(i) of the BMO.

so displayed until the conclusion of the meeting²⁵.

- (iii) has to determine the validity of the instrument appointing proxy (authorisation form) in accordance with paragraph B(1)(a)(vi) of the Code²⁶; and
- (iv) has to keep all the instruments for the appointment of proxy (authorisation form) for record for a period of at least 12 months after the conclusion of the meeting²⁷.

B(2) If the licensed PMC is the convenor of the owners' meeting, it has to act in accordance with paragraphs B(1)(c)(i)-(iv) of the Code.

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b(1) A licensed PMC should ²⁸ -

- (a) notify owners the arrangements of convening the meeting and remind owners to attend the meeting in person, as far as possible, and cast vote, through appropriate channels including physical or online means (e.g. deliver letters to property owners, display notice in prominent place in lobby of each block of the property, promotion through property intranet (if any and applicable), send message to owners' Whatsapp group (if any and applicable), etc.);
- (b) attach "Explanatory Notes on Appointment of Proxy" with the instrument appointing proxy (authorisation form) (refer to **Annex 2**), so as to remind owners the importance of their right to vote;
- (c) consult the convenor on handling meetings / handling instrument appointing proxy (authorisation form), including the opening of collection boxes for instrument appointing proxy (authorisation form), counting of instrument appointing proxy (authorisation form), meeting venue, manpower and support arrangements during the meeting;
- (d) remind owners that when they submit the instrument appointing proxy (authorisation form), they may also provide their contact details (e.g. telephone number, e-mail address, etc.) for facilitating the convenor to

²⁵ Refer to Section 3(10)(e)(iii) of the BMO.

²⁶ Refer to Section 3(10)(e)(ii) of the BMO.

²⁷ Refer to Section 3(11) of the BMO.

²⁸ Please refer to footnote 18.

check the instrument appointing proxy (authorisation form) if the validity is in doubt; and

- (e) advise owners to, so far as reasonably practicable, lodge their instruments appointing proxy (authorisation forms) with the convenor as early as possible so as to allow sufficient time for verification to be carried out by the convenor.

Owner appointing licensee to attend meeting

Code: C(1) If an owner intends to appoint a licensed PMC or its licensed PMP as proxy to attend OC meeting or owners' meeting and cast vote, and the aforementioned PMC provides PM services to the concerned property, before accepting appointment, the licensed PMC or its licensed PMP has to:

- (a) remind the owner the importance of the right to vote and as far as possible, attend the meeting in person and cast vote; and
- (b) if any agenda item of the meeting has conflict of interest (or potential conflict of interest) with the aforementioned PMC (e.g. the agenda item is to choose a PM service provider and the aforementioned licensed PMC is a bidder), the licensed PMC or its licensed PMP has to declare to the concerned owner the conflict of interest (including potential conflict of interest) such that the owner can reconsider as to whether the appointment should be made.

C(2) If a licensed PMC or its licensed PMP provides to owners regarding the meeting instrument appointing proxy (authorisation form) for owners to appoint proxy, the licensed PMC or its licensed PMP must not fill in any information of proxy in advance on the instrument appointing proxy (authorisation form), nor fill in information of proxy without the owners' knowledge or consent, nor request the owners to sign the instrument appointing proxy (authorisation form) with the information of appointed proxy left blank.

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c(1) A licensed PMC or its licensed PMP should -

- (a) attach notice of meeting and points to note with the instrument appointing

proxy (authorisation form) (refer to sample in **Annex 4**) so as to remind owners the matters to pay attention to when appointing proxy (including the importance of their right to vote and as far as possible, attend the meeting in person and cast vote) and the statement of purposes in respect of the collection of personal data, etc.; and

- (b) remind owners to complete and sign the instrument appointing proxy (authorisation form).

A licensed PMC or its licensed PMP accepting appointment from owners to attend meeting

Code: D(1) If a licensed PMC or its licensed PMP accepts appointment from owners to attend OC meeting or owners' meeting and cast vote, the licensed PMC or its licensed PMP has to consult the concerned owners the voting instruction for the agenda item(s), and make clear that if there is no voting instruction for the agenda item(s), the licensed PMC or its licensed PMP may make voting decision on its own regarding the agenda item(s).

D(2) A licensed PMC or its licensed PMP has to record clearly in writing the owner's voting instruction (if any) and ask him/her to sign as confirmation, and act faithfully in accordance with the instruction.

D(3) When a licensed PMC or its licensed PMP attends a meeting on behalf of owners and casts vote, the licensed PMC or its licensed PMP has to announce at the meeting the total number of instruments appointing proxy (authorisation form) appointing the licensed PMC or its licensed PMP as proxy and the concerned number of shares, and has to remind the person who presides at the meeting / convenor to record the information in the minutes of the meeting.

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- d(1) If a licensed PMC is appointed by an owner to attend a meeting, it should, so far as reasonably practicable, arrange for licensed PMP to attend the meeting as proxy for the concerned owner.
- d(2) In order to comply with the guidelines set out in paragraph D(2) of the Code, a licensed PMC or its licensed PMP should require the owner to give voting instruction in writing (refer to sample in **Annex 5**), and keep such record for a

period of at least 12 months counting from the day the owner gives the voting instruction.

- d(3) In order to comply with the guidelines set out in paragraph D(3) of the Code, a licensed PMC or its licensed PMP should, so far as reasonably practicable, announce at the meeting the total number of ballots received.

Handling instrument appointing proxy (authorisation form) and related information

Code: E(1) If a licensed PMC assists the OC or the concerned meeting convenor in collecting instruments appointing proxy (authorisation form), counting of instruments appointing proxy (authorisation form), recording and displaying information on instruments appointing proxy (authorisation form) and keeping instruments appointing proxy (authorisation form), etc. in relation to the concerned meeting, it has to act in accordance with the DMC of the property and relevant laws and regulations (including the BMO)²⁹.

Guide

e(1) A licensed PMC should³⁰:

- (a) arrange for instrument appointing proxy (authorisation form) collection box to collect instruments appointing proxy (authorisation form) lodged by owners and authorised representatives. If a licensed PMC and OC or meeting convenor jointly arrange the meeting, the instrument appointing proxy (authorisation form) collection box should be, so far as reasonably practicable, double-locked with the keys separately kept by the OC chairman / secretary or convenor of the owners' meeting, and the licensed PMC;
- (b) when collecting instruments appointing proxy (authorisation form), the instrument appointing proxy (authorisation form) collection box should be labelled "Instrument of Appointing Proxy Collection Box" and so far as reasonably practicable placed in a prominent place in each block of the

²⁹ Please refer to footnotes 5, 6 and 9.

³⁰ Refer to items 3.2.21, 3.2.29, 3.2.30, 3.2.31, 3.2.33 and 3.2.34 under item 3 "General Meeting and Use of Proxy Instruments" in "Best Practices on Building Management" (2019 Edition) issued by the Home Affairs Department (https://www.buildingmgt.gov.hk/pdf/Admin_Guidelines_2019_Eng.pdf).

property;

- (c) refer to “Best Practices on Building Management” issued by the Home Affairs Department³¹ and the “Building Management Toolkit”³² issued by the Independent Commission Against Corruption, the Home Affairs Department, the Hong Kong Housing Society and relevant professional bodies in order to deal with matters set out in paragraph E(1) of the Code;
- (d) contact the owners concerned for verification of instruments appointing proxy (authorisation forms) if there is any query or uncertainty arising from the instruments appointing proxy (authorisation forms) (e.g. there are two or more instruments appointing proxy (authorisation forms) from the same owner, the owner is a body corporate but has not impressed its seal or chop, etc.) and make record;
- (e) after verification of the instruments appointing proxy (authorisation forms), affix the chop of the PMC to illustrate that the instruments appointing proxy (authorisation forms) have been verified;
- (f) so far as reasonably practicable, display the information of the instruments appointing proxy (authorisation form) at a prominent place of the property in a clear and easily readable format with appropriate font size at least 72 hours before the meeting (if the instruments appointing proxy (authorisation form) have been lodged), and the information be updated after the close of the lodging time (i.e. at least 48 hours before the meeting) and remains to be displayed until seven days after the meeting;
- (g) display in the property the information of the instruments appointing proxy (authorisation form), including the flat of the owner concerned who has submitted instrument appointing proxy (authorisation form), the total number of instruments appointing proxy (authorisation forms) received, the total number of invalidated instruments appointing proxy (authorisation forms) and reason(s) for invalidation, etc.;
- (h) mark the reason(s) for invalidation for each invalidated instrument appointing proxy (authorisation form) and allow relevant persons (e.g. the owner concerned, the proxy concerned, the MC chairman, relevant

³¹ Refer to item 3 “General Meeting and Use of Proxy Instruments” in “Best Practices on Building Management” (2019 Edition) issued by the Home Affairs Department

(https://www.buildingmgt.gov.hk/pdf/Admin_Guidelines_2019_Eng.pdf).

³² Refer to section 2.5 “Proxy” of the “Building Management Toolkit”

https://bm.icac.hk/bm_wcms/UserFiles/File/en/CMS/education_publicity/bm_kit_1901.pdf

Government departments) to inspect the instruments appointing proxy (authorisation forms) which have been ruled to be invalid (if requested); and

- (i) refer to the “Best Practices on Building Management”³³ and the “Building Management Toolkit”³⁴ to deal with matters relating to instrument appointing proxy (authorisation form).

— END —

1. If there is any inconsistency between the Chinese version and the English version of this Guide, the Chinese version shall prevail.
2. If there are any amendments to any ordinances or regulations mentioned in this Guide, licensees have to act in accordance with the revised provisions.

³³ Refer to item 3 “General Meeting and Use of Proxy Instruments” in “Best Practices on Building Management” (2019 Edition) issued by the Home Affairs Department (https://www.buildingmgt.gov.hk/pdf/Admin_Guidelines_2019_Eng.pdf).

³⁴ Refers to the “Building Management Toolkit” issued by the Independent Commission Against Corruption, the Home Affairs Department, the Hong Kong Housing Society and relevant professional bodies (https://bm.icac.hk/bm_wcms/UserFiles/File/en/CMS/education_publicity/bm_kit_1901.pdf)

Form 2

Instrument of Proxy for Meetings of Corporation

The Incorporated Owners of (description of building)

I/We, (name(s) of owner(s)), being the
owner(s) of (unit and address of building),

hereby appoint (name of proxy) *[or failing
him (name of alternative proxy)], as my/our proxy to

attend and vote on my/our behalf at the [*general meeting/annual general meeting] of

The Incorporated Owners of (description of
building), to be held on the day of *[and at any adjournment thereof].

Dated this day of

(Signature of owner(s))

*Delete where inapplicable.

Explanatory Notes on Appointment of Proxy

Owners' Corporation of XXX Building (Attach to the Instrument of Proxy)

Date, time and venue of the Owners' Corporation (OC)'s meeting:

.....

Important Notes to Owners on Appointment of Proxy

- (a) The voting right is an important right derived from your ownership of the property
- (b) Your vote may determine
 - the appointment or removal of the Management Committee (MC) members and the Manager who are the key persons in the management of the building; and / or
 - the actions on important building management matters some of which may have significant financial implications and commitment to / for the owners.
- (c) You are strongly encouraged to attend the meeting in person and vote on the resolutions.
- (d) If you cannot attend the meeting, you should only appoint the person you trust as your proxy to attend the meeting and vote on your behalf.
- (e) When appointing your proxy, you should immediately fill in the names of the proxy and the alternate proxy (*Note: If you have no alternate proxy, you should cross out the space for alternate proxy*) and the meeting date on the proxy instrument, and **DO NOT give out any blank proxy instrument with your signature on it.**
- (f) You should as far as possible personally lodge the instrument of proxy with the MC secretary at least 48 hours before the time of the meeting and if you give the instrument to your proxy, remind him / her to do the same. **Avoid giving the instrument of proxy to a third party.**
- (g) Although not a statutory requirement under the Building Management Ordinance, you may consider instructing your proxy on the vote to be cast on each resolution to be passed at the meeting. If you have not made voting instruction, your proxy may decide on the vote to be cast on each resolution to be passed at the meeting. Your voting instructions can be given in a separate sheet as follows:

Resolutions	For	Against	Abstain	Proxy to decide
*Item 1. xxxxx (to be filled in by the MC)	<input type="checkbox"/> **	<input type="checkbox"/> **	<input type="checkbox"/> **	<input type="checkbox"/> **
*Item 2. xxxxx (to be filled in by the MC)	<input type="checkbox"/> **	<input type="checkbox"/> **	<input type="checkbox"/> **	<input type="checkbox"/> **

*You may wish to note the financial implications on the implementation of the following resolutions:

Item 1: \$ (estimated financial commitment, if any, to be filled in by the MC)

Item 2: \$ (estimated financial commitment, if any, to be filled in by the MC)

**You should clearly indicate your voting instructions by ticking the appropriate boxes.

- (h) You should always watch out for any appointment of proxy under your flat number but without your authorization by checking the list of proxies to be displayed at a prominent location of the meeting place.

Form 1

Instrument of Proxy for Meetings of Owners

Meeting of the owners of (description of building)

I/We, (name(s) of owner(s)), being the
owner(s) of (unit and address of building),
hereby appoint (name of proxy) *[or failing
him (name of alternative proxy)], as my/our proxy to
attend and vote on my/our behalf at the meeting of the owners of the building described
above, to be held on the day of *[and at any adjournment thereof].

Dated this day of

(Signature of owner(s))

*Delete where inapplicable.

Points to Note to Owners when Appointing Proxies (Sample)

1. Please note the importance of your voting right and exercise such right in person as far as possible.
2. You should give careful consideration to the appointment of proxy and should only appoint a person whom you trust with a view to ensuring that the proxy would act in your best interests.

Statement of Purposes in respect of Collection of Personal Data (Sample)

(to be attached to each proxy instrument, for reference only)

Purpose of Collection

1. This instrument is to be used by you (the owner) to appoint proxy to attend the general meeting of the owners' corporation (OC)/the annual general meeting of the OC and any adjourned meeting (if applicable). Your proxy will form the quorum and vote on your behalf at the meeting.
2. The chairman and/or secretary of the management committee (MC) of the OC (and the Deed of Mutual Covenant (DMC) manager/property management company (PMC) providing assistance) may follow up on the personal data you provide in this instrument and, if necessary, will contact you for the purpose of verifying the validity of the appointment of your proxy.
3. You, the proxy appointed, the chairman and/or secretary of the MC (and the DMC manager/PMC providing assistance), the Authority and an authorized officer under the Building Management Ordinance (Cap. 344) may inspect the instrument (and any copy of it) for the purpose of dealing with any matters relating to the validity of the proxy instrument.

Consent of your Proxy

4. You should obtain the consent of your proxy for using his/her personal data provided in this instrument, and provide your proxy with this statement, informing him/her of the purpose for collecting his/her personal data.

Classes of Transferees

5. The OC and its MC may disclose the personal data you provide in this instrument to other owners of this building for the purpose set out in paragraph 3 above.

Access to Personal Data

6. You have the rights of access and correction to the personal data as provided for in sections 18 and 22 and Principle 6 of Schedule 1 to the Personal Data (Privacy) Ordinance (Cap. 486). Your right of access includes the right to obtain a copy of your personal data provided in this instrument.

Enquiries

Enquiries concerning the personal data collected by means of this instrument, including requests for access to and correction of data, should be directed to the MC secretary (Telephone Number: _____)

I (the owner) have read and agree with the above.

Name of owner:

Signature of owner:

I (the proxy) have read and agree with the above.

Name of proxy:

Signature of proxy:

Owner's Voting Instructions

Points to Note:

1. If you appoint a licensed property management company, licensed property management practitioner or provisional property management practitioner licence holder ("licensee") as your proxy to attend the [meeting (e.g. annual general meeting of The Incorporated Owners of XX)] to be held on the [] day of [] [] at [meeting venue][*and at any adjournment thereof] and cast vote on your behalf, please fill in and sign this document, such that the licensee can act in accordance with your voting instruction, otherwise the licensee will make voting decision on his/her own regarding the agenda item. After filling in and signing this document, please pass this document to the licensee.
2. This document is not an instrument for appointing proxy in the format specified in Schedule 1A to the Building Management Ordinance (Cap. 344) and shall not constitute as any part of that instrument.

I _____ (name of owner) understand and agree with the above points to note, and give to _____ (name of proxy) the following voting instructions:

Agenda item (1): _____ [Details of agenda item]

Voting instruction: For ☐ Against ☐ Abstain ☐ Proxy to decide ☐

Agenda item (2): _____ [Details of agenda item]

Voting instruction: For ☐ Against ☐ Abstain ☐ Proxy to decide ☐

Agenda item (3): _____ [Details of agenda item]

Voting instruction: For ☐ Against ☐ Abstain ☐ Proxy to decide ☐

Other resolution items (if any)

Voting instruction: For ☐ Against ☐ Abstain ☐ Proxy to decide ☐

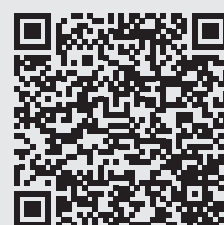
Name of owner: _____

Flat: _____

Signature: _____

Date: _____

* Delete where inapplicable.



Related Code of Conduct

Property Management Services Authority

📍 Units 806-8, 8/F, Dah Sing Financial Centre,
248 Queen's Road East, Wan Chai, Hong Kong

☎ (852) 3696 1111

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