

DISCOVERY BAY HILLGROVE VILLAGE OWNERS' COMMITTEE (2018-2019)

Minutes of Meeting No.20 held on 11 May 2023, 7:30 p.m.
at Conference Room 2, Discovery Bay Office Centre, Discovery Bay.

Present:

Mr. Edwin Rainbow	(ER)	Chairperson
Ms. Janice Fung	(JF)	Vice-Chairperson
Mr. John Antweiler	(JA)	Member
Mr. Edmond Fan	(EF)	Member
Ms. Nikki Wepener	(NW)	Member
Mr. Steve Kwok	(SK)	Manager – Estate, CM (Secretary)

Apologies:

Mr. Chung Kwok Wah	(CKW)
Mr. Martyn Keen	(MK)
Ms. Kimberly Keng	(KK)
Ms. Alice Li	(AL)
Ms. Lo Yuk Shan, Connie	(CL)
Mr. Yiu Lesile Sheun Lai	(LY)
Straba Company Limited	
- Mr. Nigel JH Reid	(NR)

1. Confirmation of Previous Meeting Minutes

SK stated that the draft Meeting Minutes No.19 were circulated to all VOC Members with no comment was received. ER announced that Meeting Minutes No.19 was confirmed by the VOC.

2. Matters Arising

2.1 Tidiness of the Ground Floor Lobby

JF commented that the bookshelf at Glamour Court was missing over a year and would like to have a report on this. JA expressed that he just recognized the fluorescent lamp collection box placed at the Local Management Office of Hillgrove Village and he suggested posting up a notice to notify all Residents living in Hillgrove Village.

3. Management Report by City Management

3.1 Propose to Install CCTV Camera at the Blind Spots of the Village

SK stated that due to the manpower shortage, the procurement of the CCTV camera was pending to follow.

3.2 Cleaning of Pavement

SK stated that the pavement cleaning was undergoing and expected to be completed at the end of May 2023 depends on the weather. The Chairman reminded CM be aware the parking problem at the entrance of Elegance Court. CM noted and would follow.

3.3 New Security Contract

SK presented with table showing the service charge comparison between the existing and the new contract with the same security deployment and stated that the new contract will be commenced on 1 July 2023.

4. Progress of Renovation

4.1 Improvement Items

SK expressed apologize again as the notice yet to be drafted and will speed up the progress. JF considered that the new railing which is deviated from the VOC request which is unacceptable and queried CM proceed the payment without obtained the prior consent from VOC. The Chairman requested SK to retrieve the original tender for the work.

4.2 Discussion of Various Variation and Defects for the Renovation Works

SK presented the letter from Wing Lok Construction and Engineering Company Limited (Wing Lok) which stated that the returned tender price on 31 May 2021 was expired. As such, SK expressed that the window repairs work will be re-tender in accordance with the Window Inspection Report submitted to Buildings Department in October 2021. JF reminded SK that although SK was not involved in the renovation, there were some outstanding works SK need to be followed such as railing replacement and windows repair. SK replied that being the existing Manager of Hillgrove Village, he would follow up all outstanding items.

4.3 Final Account for Renovation

SK showing the comparison between two Final Account of the renovation work presented before and VOC with no adverse comment. JA noted that the unspent funds already allocated to several projects included in the renovation project, like the railings, amounts to HK\$2,684,915 and the Final Account being endorsed.

5. Report on Financial Status

5.1 Resolution to Fund Legal Action to Determine the Interpretation of the Deed of Mutual Covenant at the Lands Tribunal with regard to Interest on Unpaid Management Fees from the Hillgrove Reserve

After the detail presentation (please refer to the Annex I) from The Chairman explaining the background and the rationale behind, a motion "Resolution to Fund Legal Action to Determine the Interpretation of the Deed of Mutual Covenant at the Lands Tribunal with regard to Interest on Unpaid Management Fees from the Hillgrove Reserve at the forthcoming Owners' Meeting to seek Reserve Fund to pay legal cost." was put forwarded to vote after proposed and seconded by NW and JA.

Voting Results:

For: 3

Against: 0

Abstain: 1

The Chairman formally presented a paid invoice to CM via SK present as a claim for his recent out of pocket legal cost of HK\$ 3,500 together with a quotation for a further HK\$50,000 not yet paid in connection with possible litigation against CM.

6. Any Other Business

6.1 Update from Environmental Protection Sub-Committee (EPSC)

NW shared the icleaner being used to clean the Tai Pak beach after the Egg Hunt event with fruitful results.

6.2 Owners' Meeting

VOC proposed the Owners' Meeting will be held in September 2023 or October 2023 tentatively and would like to have another VOC Meeting on 29 June 2023.

There being no further business, ER announced the meeting was closed at 21:12.



Chairperson

****If there is any inconsistency between the Chinese Version and English Version, the English Version shall prevail.***

ANNEXE 1

5.1 Resolution to Fund Legal Action to Determine the Interpretation of the Deed of Mutual Covenant at the Lands Tribunal with regard to Interest on Unpaid Management Fees from the Hillgrove Reserve.

議決以康慧台的儲備，到土地審裁處進行法律程序，處理大廈公契對未繳交管理費而衍生的利息作出解釋



The correct manner was/is for CM to litigate the compound interest on the DCMF 3737:2021, but this opportunity is/may be lost – it may possibly depend on the District Court if it will press for a decision at the **Lands Tribunal**, or not?

In any event there is no escaping the need for CM and/or a representative Discovery Bay individual owner will need to bring the matter of interpretation to the Lands Tribunal for a decision. According to the PDMC it should be CM who is the Plaintiff and the individual owner is the Defendant

If the this occurs, an individual owner would be need to pay the legal cost in advance albeit with a high probability of costs of all parties going to the Manager under these circumstances

According to the PDMC, any member of the COC can claim Out of Pocket Expenses, so clearly it is obvious that the Chairman of Hillgrove VOC should be the Defendant so that the legal costs can be drawn from a Reserve Fund. (Hillgrove or City Reserve Fund?). In theory!!

Regrettably, in the past CM obstructed the release of Out of Pocket Expense for legal costs from the Reserve Fund. (The Chairman would use a different approach to the claim next time and after 1st. August 2023 a repeat behaviour by Steve Kwok(now a Tier 1 Property Management Practitioner) would give rise to an official complaint to the Property Management Services Authority).

**It may well be that the Chairman must take the
matter to the Lands Tribunal**

UNDER NORMAL CIRCUMSTANCES THE FUNDING SHOULD COME FROM THE RESERVE FUND AND THE HILLGROVE CHAIRMAN WILL SEEK ASSURANCE AT THE COC THAT THIS WILL HAPPEN.

IN CASE THERE IS NO SUCH ASSURANCE FORTHCOMING, WE MUST CONSIDER WAYS OF APPEALING FOR, WHAT PROMISES TO BE, ONLY A LOAN FROM OWNERS TO TAKE THE MATTER THROUGH THE COURT.

Ways to promote raising funds if needed?

My thoughts

Raise the matter at the COC

Email to the Quorum List

Chairman's Letter distributed to all owners – referencing the Hillgrove Website.

Resolution to release funds at the AGM.

??? Other ideas