

**Bills Committee on  
Property Management Services Bill**

**List of follow-up actions arising from the discussion  
at the meeting on 24 March 2015**

1. Referring to Clause 18(2) of the Property Management Services Bill ("the Bill"), the Legal Adviser to the Bills Committee advised that similar provisions were provided in other legislation such as the Personal Data (Privacy) Ordinance (Cap. 486) ("PDPO") (i.e. section 39 on "Restrictions on investigations initiated by complaints"). He suggested that reference be made to section 39(1)(b) and (c) of PDPO to specify clearly that if the complaint was made anonymously or the complainant could not be identified or traced, the Property Management Services Authority ("PMSA") may refuse to conduct an investigation to deal with a complaint received under Clause 18(1)(b). The Administration agreed to consider this suggestion and revert to the Bills Committee in due course.

2. Clause 18(4) of the Bill provides that PMSA must, as soon as practicable after it decides to conduct an investigation into any conduct of a licensee, notify the licensee in writing of the substance of the matter being investigated. In some members' views, it would be more desirable to specify a timeframe in Clause 18(4) within which PMSA should notify the licensee, instead of using the phrase "as soon as practicable". The Administration was requested to consider this view of members and revert to the Bills Committee.

3. Regarding Clauses 20 and 21 of the Bill, members expressed concerns that PMSA might in writing appoint any other person as an investigator for the purposes of conducting an investigation and the investigators so appointed would be conferred with the power to obtain information and documents relevant to the investigation. These members sought information on whether guidelines would be in place governing PMSA's appointment of investigators and the powers and obligations of investigators in carrying out their duties, covering issues such as the eligibility criteria for becoming an investigator, the requirements on confidentiality in respect of the information and documents obtained by an investigator as well as conflict of interests on investigators, and PMSA's policy and procedure for retention and destruction of information obtained through investigation etc. The Administration was requested to provide more detailed information on these aspects and to consider improving the drafting of Clauses 20 and 21 in the light of members' concerns.

4. The Administration was requested to consider the suggestion made by the Legal Adviser to the Bills Committee that the Administration should consider proposing Committee Stage amendments to the Bill to spell out clearly that the taking effect of an order made under Clause 25(1) or (2) (i.e Clause 25(4)) should not be affected by an application to revoke, vary or suspend such order made to PMSA under Clause 25(6).

5. As advised by the Administration, PMSA would issue codes of conduct and codes of practice to specify matters relevant to the Bill, covering, inter alia, the licensing criteria for property management companies and property management practitioners, guidelines regarding complaints, the criteria and procedure for appointment of investigators as well as the powers and obligations of investigators. The Bills Committee requested that to facilitate members' future discussion, the Administration should compile a list of matters that would be addressed in the codes of conduct/codes of practice and set out a framework for such codes.

Council Business Division 2  
Legislative Council Secretariat  
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