

**The Administration's response to the matters raised  
at the meetings of the Bills Committee  
on the Property Management Services Bill  
held on 24 March 2015**

**Purpose**

This paper sets out the Administration's response to Members' concerns raised at the meetings of the Bills Committee on 24 March 2015.

**Clause 18**

2. We agree that the Property Management Services Authority (PMSA) may refuse to investigate a complaint received under Clause 18(1)(b) if the complaint is trivial, frivolous, vexatious, not made in good faith, anonymous, repetitive, or the complainant cannot be identified or traced. We are of the view that Clause 18(2) in the present form is sufficient to empower the PMSA not to deal with such complaints.

3. Clause 18(4) provides that the 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. We are of the view that it is desirable to use the phrase "as soon as practicable", instead of specifying an exact timeframe in the Bill, in order to retain flexibility. We will ensure that the PMSA will specify in its service pledge the timeframe within which it must notify the licensee being investigated.

**Appointment of Investigators and Power to Obtain Information and Documents**

4. On the appointment of investigators and the investigator's power to obtain information and documents (Clauses 20 and 21), the PMSA will issue administrative guidelines specifying issues such as the eligibility criteria of an investigator, the requirements on confidentiality in respect of the information and documents obtained by an investigator as well as avoidance of conflict of interests of investigators, and the PMSA's policy and procedure for retention and destruction of information obtained through investigation etc. We will, in consultation with the Department of

Justice, consider what requirements are to be included in the administrative guidelines and whether any amendments to the Bill would be necessary.

## **Clause 25**

5. We will consider making necessary amendments to the Bill to clarify that an order made under Clause 25(1) or (2) will continue to take effect according to Clause 25(4) even if an application made under Clause 25(6) to revoke, vary or suspend the order has been received by PMSA.

## **Subsidiary Legislation, Codes of Conduct and Administrative Guidelines**

6. As set out in our earlier response, there will be three sets of subsidiary legislation specifying the following issues –

- (i) the service(s) within a category of services set out in Schedule 1 to the Bill as a property management service, the licensing criteria for PMCs and PMPs, the prescribed information to be provided by a licensed PMC to its clients and the relevant fees under the Bill;
- (ii) the procedures for the hearing of appeals; and
- (iii) the amount of levy and related matters.

7. For matters to be covered by codes of conduct / practices, we will work closely with the Clerk to Bills Committee to compile a list for Members' reference.

**Home Affairs Department  
April 2015**