

**Bills Committee on  
Property Management Services Bill**

**List of follow-up actions arising from the discussion  
at the meeting on 21 April 2015**

1. The Administration was requested to provide information on -
  - (a) the deliberations of the Advisory Committee on the Regulation of Property Management Industry ("Advisory Committee") regarding the proposed licensing criteria for property management practitioners ("PMPs"), including the relevant meeting(s) at which the Advisory Committee or its focus group discussed and agreed on the baseline requirements in respect of the academic qualifications, professional qualifications and years of working experience for licensed PMP (Tier 1) and licensed PMP (Tier 2); and
  - (b) the number of graduates in each year from property management related courses, at degree level or equivalent, run by local tertiary institutions.
2. Clause 25(1)(b) provided that if, at the conclusion of a hearing under Clause 23, the Property Management Services Authority ("PMSA") was satisfied that the matter mentioned in Clause 18(1)(a)(i) or (ii) was established in respect of a licensee, PMSA might make an order imposing a fine not exceeding the amount specified in Schedule 2 to the Property Management Services Bill ("the Bill"). The Legal Adviser to the Bills Committee pointed out that it was uncommon to set out a fine amount in a Schedule to a principal Ordinance and not in the principal Ordinance. The Bills Committee sought information on the rationale behind the use of a Schedule for specifying the fine amount and whether other pieces of legislation which had fine provisions of a similar nature had adopted the same drafting approach.
3. The Administration was also requested to -
  - (a) explain the difference between a hearing held before PMSA (Clause 24) and the disciplinary committee (Clause 26), including the matters to be heard by PMSA and the disciplinary committee, the circumstances that led to the hearings, the number of PMSA members who would serve in the PMSA hearings and the composition of members of the disciplinary committee;

- (b) provide the rationale for including in the Bill provisions in relation to immunity and privilege against self-incrimination (Clauses 30 and 31), and advise on the protection intended to be offered respectively under Clause 30 and Clause 31 when the Bill was so constructed as well as how and to whom the immunity and privilege referred to therein would apply. Furthermore, regarding the privileges and immunities as the person would have if the investigation or hearing were civil proceedings in the Court of First Instance, give examples of similar provisions used in other Ordinances;
- (c) consider a member's suggestion that amendments be made to the Bill to subsume Clause 31(4)(c) under Clause 31(4)(b), both of which related to the offence of perjury, so as to avoid redundancy;
- (d) consider improving readability of Clause 36(1)(d) to facilitate clearer understanding of the provision;
- (e) in relation to Clause 36(3), consider specifying clearly in the Bill that any parties to the appeal might request the hearing, or any part of the hearing, to be held in private, and it was for the chairperson of the tribunal to decide whether such request should be acceded to after consulting the parties concerned; and
- (f) consider a member's view that in order to ensure procedural justice to all parties to the appeal, consideration should be given to raising the sanction presently proposed under Clause 36(6)(b) (i.e. giving the person concerned a public reprimand) for failure to comply with an order made under subsection (4) by a person who was not a licensee.