

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

HEAD 63 – HOME AFFAIRS DEPARTMENT Subhead 000 Operational expenses

Members are invited to recommend to Finance Committee the creation of the following supernumerary post in the Home Affairs Department for about five years, with immediate effect upon approval of the Finance Committee up to 31 March 2023 –

1 Administrative Officer Staff Grade C
(D2) (\$164,500 - \$179,850)

PROBLEM

The Home Affairs Department (HAD) needs to create a supernumerary post of Administrative Officer Staff Grade C (AOSGC) (D2) to take forward the review of the Building Management Ordinance (Cap. 344) (BMO) and related initiatives.

PROPOSAL

2. We propose to create a supernumerary AOSGC (D2) post in HAD, designated as Assistant Director of Home Affairs (5) (ADHA(5)) for about five years, with immediate effect upon approval of the Finance Committee (FC) up to 31 March 2023.

/JUSTIFICATIONS

JUSTIFICATIONS

New Duties Related to Building Management

Amendments to the BMO

3. The BMO was last amended in 2007. To ensure that the BMO keeps pace with the societal changes, the Home Affairs Bureau (HAB)/HAD conducted a public consultation from November 2014 to February 2015 and briefed the Legislative Council (LegCo) Panel on Home Affairs (HA Panel) on the proposed legislative amendments to the BMO and administrative measures in May 2016, March 2017 and November 2017. There are over 60 legislative amendments and administrative measures in HAB's/HAD's latest proposal, covering various areas, including the procurement and large-scale maintenance projects, proxy instruments, non-performance of management committees (MCs), enhanced powers of the Authority (i.e. the Secretary for Home Affairs (SHA)), and criminal sanctions, etc. Members of the HA Panel and other stakeholders in general support the proposals, and hope that the proposals will be implemented soonest possible to address building management problems.

4. To take the legislative proposals forward, HAD will proceed to work on the drafting instructions and the amendment bill in consultation with the Department of Justice (DoJ) and other relevant departments, with a view to submitting the amendment bill to the LegCo by 2020. Given the substantial amendments to be made to the BMO and the need to address stakeholders' expectation on the implementation timeline, additional directorate support at AOSGC level would be needed to help steer the proposed amendment legislation from drafting to implementation. Such a process will require meticulous and time-consuming discussions with many parties, including DoJ, the relevant departments, LegCo Members, property management companies (PMCs), and owners' corporations (OCs)/owners' committees (OComms), etc.

5. Specifically, the legislative proposals will significantly expand the scope of the BMO with the introduction of a definition of 'large-scale maintenance projects' and related new procurement procedures, new model proxy instruments, new criminal sanctions, new powers of the Authority against non-performing MCs of OCs, etc. They would bring a fundamental change to how OCs and OComms, covering over 60% of private residential buildings in Hong Kong, would operate in future. Given the far-reaching implications, it is essential to have sufficient directorate steer in devising the detailed provisions in the drafting process.

/6.

6. Moreover, given the depth and breadth of the amendments to BMO, as well as the wide implications, it is necessary to maintain close engagement with stakeholders and other government departments during the drafting process to ensure their continued buy-in on the amendments. As the details of the revised regulatory framework as encapsulated in the amended legislation will have far-reaching livelihood implications, we expect LegCo, District Councils and parties active in building/property management will take a close interest in the subject. It is incumbent upon HAD to formulate legislative proposals that are balanced, fair and practical, notwithstanding the diversity of views and interests; so that it could provide adequate support to LegCo's scrutiny of the amendments. Dedicated directorate involvement and steer would be required in this regard.

Enforcement of the BMO

7. The Government has been playing the role of a facilitator to encourage and assist owners to form OCs and provide appropriate support to assist owners in discharging their building management responsibilities. Under the existing regulatory regime, we have so far adopted an advisory approach to remind OCs of the importance to comply with relevant statutory requirements under the BMO. In response to concerns of LegCo Members and the public for an enhanced regulatory framework noting the many incidents relating to building management that have arisen from time to time since the BMO was last amended, we have proposed to introduce additional criminal sanctions in the BMO and issue warnings to OCs before taking enforcement actions against non-compliance. However, in considering enforcement actions, we have to be cautious of any adverse impact on the motivation of owners to participate in building management work and take up OC duties. There is a need to strike the right balance.

8. In view of the wider powers and criminal sanctions to be introduced by the amendments, we would need high level policy steer to formulate the enforcement policy, devise the enforcement mechanism, formulate the prosecution policy in consultation with DoJ, come up with an appropriate organisation structure and staff component in HAD (e.g. setting up a new legal and enforcement unit to conduct investigation and instigate prosecution in consultation with DoJ), and arrange staff training. These tasks involve highly sensitive and complicated issues and would need to be led by a directorate officer at AOSGC level.

/Administrative

Administrative Support, Publicity and Education

9. HAD currently runs a number of administrative schemes with a view to assisting owners in the formation of OCs, facilitating the resolution of building management disputes, encouraging more engagement from owners in building management matters, etc. In view of the increasing number and complexity of building management disputes in recent years, to strengthen the support for, among others, owners and OCs, HAD has recently introduced a number of new initiatives such as the pilot Building Management Dispute Resolution Service and the Advisory Services to OCs. Since these pilot schemes involve new modes of service delivery, close monitoring and prompt steer would be required to deal with any unexpected problems encountered during implementation. By the end of these pilot schemes, a holistic review would be necessary to see whether these schemes should be regularised, enhanced in terms of scope and scale, or supplemented by other schemes; and if so, how. In conducting the review, it is necessary to take into account the evolving nature of building management disputes, the needs of the stakeholders, the requirements generated by the BMO amendments, the potential synergies with other administrative measures under HAD and other departments, the efficient use of government resources, etc. High level guidance at directorate level would be required in conducting the review.

10. HAD and its 18 District Offices have been organising various educational activities, such as seminars, training courses, talks, visits, exhibitions, etc., for owners in order to help them discharge their responsibility for managing and maintaining their properties. In recent years, HAD has also enhanced publicity through various channels to disseminate key messages regarding the compliance of the BMO. In view of the upcoming large-scale amendments to the BMO, it is necessary to formulate strategies to step up these public education efforts and publicity measures.

11. To facilitate compliance, the importance of publicity and education cannot be over-emphasised. In view of the substantial amendments to the BMO, and the number as well as the diverse socio-economic backgrounds of owners, OCs, OComms and PMCs, the volume and complexity of training to familiarise them with the new requirements under the BMO before their commencement cannot be under-estimated. A prerequisite to an efficacious delivery of public education is adequate staff training which will include not only officers in the building management office but also officers involved in district administration.

12. Steer at directorate level would be necessary to ensure that internal staff training as well as publicity and public education efforts are well planned and sufficiently resourced. For instance, a comprehensive publicity strategy has to be formulated, with a variety of measures (e.g. APIs, exhibitions, souvenirs, seminars, etc.) to promote the BMO amendments after the enactment of the Amendment Ordinance. Moreover, different approaches may have to be adopted for different target groups (including owners, OCs, OComms, professional bodies, PMCs, etc.). Apart from the BMO amendments, building management and maintenance problems in recent years have called for new measures from other government departments. HAD's assistance is required from time to time to promote these measures to owners, OCs and other stakeholders. Input at AOSGC level is necessary to ensure effective liaison and collaboration with relevant departments for a coordinated approach in promoting these measures.

Enhancement of Information Technology (IT) Support

13. To improve services to members of the public and to support the e-Government initiative, HAD will work with the Land Registry (LR) to identify areas which require amendments to the BMO to enable e-services. We also propose to enhance HAD's computer system to improve services to members of the public, e.g. to enable e-filing of documents, online inspection and checking of records, etc. In this regard, we need to draw up parameters of a feasibility study, with a view to providing e-services to members of the public and better interface and synergy with LR's system. This requires high level policy steer on the IT strategy, interface with LR and engagement with stakeholders.

Need for creation of an AOSGC (D2) post

14. Having regard to the scale and complexity of the above areas of responsibilities, we propose that a supernumerary AOSGC (D2) post, designated as ADHA(5), be created in HAD for about five years, with immediate effect from the approval of the FC up to 31 March 2023. The officer should be sufficiently senior to provide policy advice, coordinate amongst bureaux/departments concerned and engage stakeholders to ensure timely and successful implementation of the complicated tasks. The main responsibilities of the proposed ADHA(5) include –

- (a) working with DoJ and relevant departments on the drafting of the legislative amendments;
- (b) supporting LegCo's scrutiny of the draft amendment Bill and as part of this, conducting an iterative discussion with on the one hand, different stakeholder groups, and on the other hand, the DoJ and

/relevant

relevant Government departments, to ensure that LegCo's and the community's views are factored into account as far as possible in the draft legislation;

- (c) making preparation for the implementation of the amended legislation including drafting guidelines, conducting training, etc.;
- (d) mapping out the framework and strategy for the enforcement of the BMO;
- (e) reviewing and implementing various administrative support measures on building management;
- (f) considering, in the light of the experience in paragraphs 14 (b) to (e) above, how HAD should promote building management on a day-to-day basis; and
- (g) drawing up an IT strategy to enable the provision of services as required by the BMO by electronic mode.

Encl. 1 15. The proposed job description of the proposed ADHA(5) is at
Encl. 2 Enclosure 1. The organisation chart taking into account the proposed creation of the supernumerary AOSGC (D2) post is at Enclosure 2. In late 2022, we will review the continued need for the post in the light of the actual workload and progress of the legislative work.

Non-directorate support

16. A total of five non-directorate posts will be created in HAD to provide support to the proposed supernumerary directorate post and to take forward the initiatives mentioned above. The additional staff members include one Analyst/Programmer I, two Executive Officers I, one Senior Liaison Officer and one Personal Secretary I. Moreover, an existing time-limited post of a Senior Administrative Officer was made permanent effective from 1 April 2018 to provide support for duties related to building management and property management. This officer is currently supporting ADHA(4) but will be deployed to support ADHA(5) on building management and to ADHA(4) on property management matters after the creation of the proposed ADHA(5).

/ALTERNATIVES

ALTERNATIVES CONSIDERED

Encl. 3

17. At present, there are four ADHAs at AOSGC level (i.e. ADHA(1), ADHA(2), ADHA(3) and ADHA(4)) at HAD Headquarters. We have critically reviewed whether they have spare capacity to absorb or share out the tasks of the proposed ADHA(5) post. The first three ADHAs are already fully occupied with the workload arising from various new initiatives and on-going commitments. The work schedules of these ADHAs are set out at Enclosure 3. Not only do they have to take up policy formulation responsibility, they are also required to oversee policy implementation and monitoring. It is operationally infeasible for any of them to share out the tasks mentioned in paragraphs 3 to 13 without seriously affecting the discharge of their current duties. The remaining ADHA (i.e. ADHA(4)) could not absorb the workload either because he/she needs to focus on the new and on-going commitments related to licensing and property management.

18. ADHA(4) is currently responsible for duties regarding building management, among others. So far, the focus has mostly been on the engagement with stakeholders in formulating the legislative proposals on BMO, and formulating new support measures, while drafting of the amendment bill is at an initial stage. However, looking ahead, it would be difficult for ADHA(4) to pay dedicated attention to the whole legislative drafting process, and see through the implementation of the support measures in the next five years. Apart from the duties related to building management, ADHA(4) also has duties related to licensing and property management, including (a) reviewing and formulating policies on the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (HAGAO); (b) taking forward the legislative amendment exercise for HAGAO; (c) supervising the day-to-day administration of various licensing matters; (d) serving as the policy interface between HAD and the Property Management Services Authority (PMSA)^{Note}; and (e) dealing with policy matters related to the property management industry and the Property Management Services Ordinance (Cap. 626) (PMSO).

19. It is anticipated that in the next five years there will be a significant increase in ADHA(4)'s workload related to licensing and property management, and it would be unsustainable for ADHA(4), who would be overstretched, to continue with his/her current policy portfolio. Accordingly, we propose that all duties related to building management currently under ADHA(4) should be

/transferred

^{Note} The PMSA is a self-financial statutory body established in accordance with section 42 of the PMSO. The PMSA's principal functions are, among others, to regulate and control the provision of property management services in Hong Kong by the licensing of PMCs and property management practitioners (PMPs).

- transferred to the proposed ADHA(5) post as mentioned in paragraphs 3 to 13 above. Apart from alleviating ADHA(4)'s workload, this would ensure dedicated attention be given to the drafting of amendments to BMO, and achieve better synergy with other duties related to building management. The existing job description of the incumbent ADHA(4) is at Enclosure 4. A description of ADHA(4)'s heavy and complex work relating to HAGAO and licensing is attached at Enclosure 5 to illustrate why it is not possible for this officer to absorb the work relating to the amendment of the BMO. The proposed job description of ADHA(4) after the creation of the proposed ADHA(5) is at Enclosure 6.
- Encl. 4
- Encl. 5
- Encl. 6

FINANCIAL IMPLICATIONS

20. The proposed creation of the supernumerary post of AOSGC (D2) will require an additional notional annual salary cost at mid-point of \$2,094,600. The additional full annual average staff cost, including salaries and staff on-cost, amounts to \$2,916,000.

21. The total notional annual salary cost at mid-point and the full annual average staff cost, including salaries and staff on-cost for the additional non-directorate officers supporting the proposed ADHA(5) post, will be \$3,526,980 and \$4,920,000 respectively.

22. HAD has included the necessary provision in the 2018-19 Estimates to meet the cost of this proposal and will reflect the resources required in the Estimates of subsequent years.

PUBLIC CONSULTATION

23. We consulted the HA Panel on the further legislative proposals and administrative measures in connection with the review of the BMO as well as the proposed creation of the supernumerary directorate post on 27 November 2017. Members were generally supportive of the proposals.

ESTABLISHMENT CHANGES

24. The establishment changes in HAD for the past two years are as follows –

/Establishment

Establishment (Note)	Number of posts			
	Existing (as at 1 May 2018)	As at 1 April 2018	As at 1 April 2017	As at 1 April 2016
A	28 [#]	28	28	28
B	239	236	233	233
C	1 789	1 785	1 773	1 734
Total	2 056	2 049	2 034	1 995

Note:

A - ranks in the directorate pay scale or equivalent

B - non-directorate ranks, the maximum pay point of which is above MPS Point 33 or equivalent

C - non-directorate ranks, the maximum pay point of which is at or below MPS Point 33 or equivalent

- As at 1 May 2018, there was one unfilled directorate post in HAD.

CIVIL SERVICE BUREAU COMMENTS

25. The Civil Service Bureau supports the proposed creation of the supernumerary post of AOSGC (D2) for about five years up to 31 March 2023. The grading and ranking of the proposed post are considered appropriate having regard to the level and scope of responsibilities.

ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE

26. As the post is proposed on a supernumerary basis, its creation, if approved, will be reported to the Standing Committee on Directorate Salaries and Conditions of Service in accordance with the agreed procedure.

Home Affairs Bureau
May 2018

**Proposed Job Description
Assistant Director of Home Affairs (5)**

Rank : Administrative Officer Staff Grade C (D2)

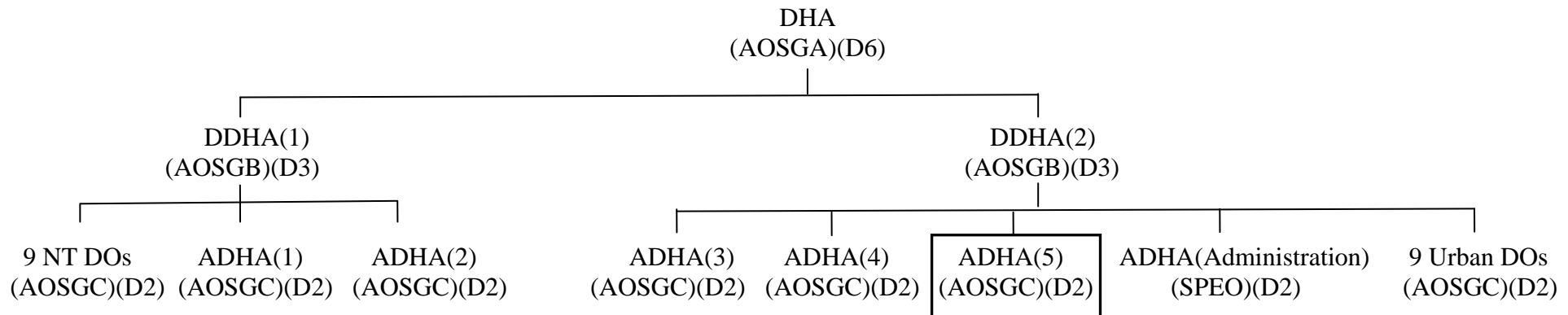
Responsible to : Deputy Director of Home Affairs (2) (DDHA(2))

Main Duties and Responsibilities –

Building Management Related

1. To monitor and coordinate the implementation of the Building Management Ordinance (Cap. 344) (BMO);
 2. To work with the Department of Justice and relevant departments on the drafting of the legislative amendments;
 3. To prepare submissions to the Executive Council and the Legislative Council (LegCo);
 4. To support LegCo's scrutiny of the draft amendment bill, and liaise with relevant departments and stakeholders to take their views into account as far as possible in the draft legislation;
 5. To make preparation for the implementation of the amended legislation including drafting guidelines, conducting training, etc.;
 6. To map out the framework and strategy for the enforcement of the BMO;
 7. To formulate, review and implement various administrative support measures on building management (including new support measures having regard to the amendments to the BMO) and to liaise with relevant professional bodies on the provision of such measures;
 8. To consider, in the light of items 4 to 7 above, how to promote building management on a day-to-day basis (including new efforts to tie in with the amendments to the BMO) and engage owners, owners' corporations and other owners associations on building management matters;
 9. To draw up an information technology strategy to enable the provision of services as required by the BMO by electronic mode;
 10. To liaise with relevant professional bodies on the provision of professional advice and services to owners and relevant stakeholders on matters related to building management; and
 11. To undertake any other tasks as assigned by DDHA(2).
-

Proposed Organisation Chart of Home Affairs Department



Legend

- ADHA - Assistant Director of Home Affairs
- AOSGA - Administrative Officer Staff Grade A
- AOSGB - Administrative Officer Staff Grade B
- AOSGC - Administrative Officer Staff Grade C
- DDHA - Deputy Director of Home Affairs
- DHA - Director of Home Affairs
- DO - District Officer
- NT - New Territories
- SPEO - Senior Principal Executive Officer
- Supernumerary directorate post proposed to be created

**Duties and Responsibilities of
Assistant Directors of Home Affairs (1), (2) and (3)
in the Home Affairs Department Headquarters**

Assistant Director of Home Affairs (ADHA)(1) is responsible for fostering district involvement in community building activities, including overseeing and implementing major campaigns and projects. The post is also responsible for advising on New Territories matters and community participation aspects at committees and working groups, co-ordinating rural elections, and assisting the Home Affairs Bureau in taking forward youth initiatives and projects. The post is also responsible for liaising with community personalities and major organisations, including Heung Yee Kuk, major charitable bodies, Community Chest and Kaifong associations.

2. ADHA(2) is responsible for reviewing and formulating policy on the Home Affairs Department (HAD)'s minor works programmes, supervising the implementation of minor works programmes, and providing input and views from a district perspective for territory planning and development projects. The post is also responsible for implementing the Signature Project Scheme, the Enhancing Self-Reliance through District Partnership Programme and various measures in promoting social enterprises. The post is also responsible for planning new community halls and co-ordinating HAD's work relating to street management issues.

3. ADHA(3) is responsible for formulating the policy on the District Administration Scheme and facilitating the implementation of the District Administration Scheme of the District Councils (DCs) Review and advising on the administration of DCs and Area Committees. The post is responsible for advising and monitoring the allocation of funds for DCs for community involvement activities and the administration of honorarium/allowances for DC members. The post is also responsible for advising bureaux and departments regarding public consultations and briefings of DC members on government policies and programmes, and providing support services for new arrivals from the Mainland and ethnic minorities.

**Existing Duty List of
Assistant Director of Home Affairs (4)**

Rank : Administrative Officer Staff Grade C (D2)

Responsible to : Deputy Director of Home Affairs (2) (DDHA(2))

Main Duties and Responsibilities^{Note} –

Building Management Related

1. To monitor and coordinate the implementation of the Building Management Ordinance (Cap. 344), and review the Ordinance as necessary;
2. To review and formulate policy on building management and map out strategies for, and direct the provision of services on, building management;
3. To formulate publicity and education strategies and programmes on building management;
4. To liaise with relevant professional bodies on the provision of professional advice and services to building owners and residents on building management and owners' corporation matters;

Licensing Related

5. To review and formulate policy on the Hotel and Guesthouse Accommodation Ordinance (Cap. 349), and take forward the legislative amendment exercise and preparation required for the new licensing regime;
6. To oversee the day-to-day operation of the Office of the Licensing Authority;

Property Management Related

7. To deal with policy matters related to the property management industry and the Property Management Services Ordinance (Cap. 626), and serve as the policy interface between the Home Affairs Department and the Property Management Services Authority; and
8. To undertake any other tasks as assigned by DDHA(2).

^{Note} The building management related duties (items 1 to 4) will reside under ADHA(5) after the creation of the proposed ADHA(5). Licensing and property management related duties (items 5 to 8), with their scope expanded, will continue to be under ADHA(4). For details, please refer to Enclosures 1 and 6.

**Assistant Director of Home Affairs (ADHA)(4)'s Work Relating to
Hotel and Guesthouse Accommodation Ordinance (HAGAO),
Licensing and Property Management**

Work Relating to HAGAO and Licensing

Amendments to HAGAO

Specifically, on HAGAO, the drafting of the amendment bill to implement the HAGAO review is near completion and HAD plans to introduce the bill into the LegCo in 2018. It is anticipated that ADHA(4)'s workload will substantially increase during the final phase of the drafting exercise, and would continue to increase after the bill has been introduced into the LegCo, as ADHA(4) would have to assist the LegCo Bills Committee in scrutinising the bill. Moreover, ADHA(4) has to start considering operational and implementation aspects, with a view to putting the amended legislation into operation as soon as possible.

Implementation Strategies for the New Regulatory Regime

2. Under the new licensing regime, in processing a new or renewal licence application, the Authority will be empowered, among others, to take into account (a) recommendations made by an independent panel after conducting local consultation, and (b) whether an applicant is a 'fit and proper' person. As these new requirements may affect the outcome of a licence application, it is important to ensure that the criteria and administrative guidelines are drawn up meticulously with adequate engagement of stakeholders. To this end, directorate level steer for a comprehensive consultation and engagement strategy has to be formulated.

Overall Review of Operational Procedures

3. Moreover, under the new licensing scheme, the Authority will be vested with a host of new powers, such as (a) relying on circumstantial evidence to instigate prosecution, (b) applying for a search warrant to break into a suspected unlicensed guesthouse; and (c) applying for a closure order against an unlicensed guesthouse if the premises concerned have been involved in a prior offence under HAGAO within a specified period. New guidelines and operational procedures have to be formulated to ensure the proper exercise of such new powers. Moreover, a holistic review and overhaul of the existing operational manual will be conducted, with a view to improving and streamlining procedures, and addressing some of the recommendations of the Audit Commission to enhance work efficiency and case monitoring.

/Fee

Fee Review for Licences

4. The requirements and procedures of the new licensing regime will entail resource and fee implications. In line with the Government's policy on full cost-recovery and as a follow-up to one of Audit's recommendations, an overall fee review, including the cost structure and elements, will be conducted following the finalisation of the HAGAO amendment bill. Subsidiary legislation has to be drafted to give effect to the revised fees.

Business Facilitation Initiatives

5. Apart from licensing of hotels and guesthouses, the Office of the Licensing Authority (OLA) is also responsible for issuing 12 different types of licences pursuant to seven ordinances. In line with the Government's objective to create a friendly environment for all businesses to thrive, the OLA will implement a number of business facilitation measures in the coming years, including enhancement of IT systems, workflow review, and streamlining procedures. High level steer and monitoring are required to take forward these initiatives.

Work Relating to Property Management

Policy Interface with PMSA

6. On the property management side, the Director of Home Affairs or his/her representative (i.e. ADHA(4)) is one of the members of the PMSA. In taking forward its statutory functions, the PMSA will launch a new mandatory licensing regime and issue codes of conduct for PMCs and PMPs. The licensing regime and codes will, among others, make reference to the prevailing requirements under the BMO from a property management perspective. Therefore, it is necessary for ADHA(4) to serve as a policy interface by communicating the existing requirements and latest thinking in the proposed amendments of the BMO from a policy angle to the PMSA, so as to ensure consistency and compatibility between the BMO and the licensing regime under the PMSA.

7. The relevant subsidiary legislation of the property management licensing regime is targeted to be introduced into the LegCo before the end of the 2018-19 financial year for implementation in 2019. ADHA(4), overseeing the policy interface with the PMSA, will be heavily engaged in the finalisation of the relevant subsidiary legislation and related work. The workload as the policy interface will likely stay at a high level in the coming few years for the following reasons –

- (a) the PMSA will devise and issue its codes of conduct after the promulgation of the licensing regime;

/ (b)

- (b) as it is the first time the licensing regime and the codes of conduct are put in place in the property management industry, refinements may be necessary in the light of their actual implementation; and
- (c) it will be necessary for the licensing regime and the codes of conduct to be further calibrated after the Building Management (Amendment) Ordinance as mentioned in paragraphs 3 to 6 of the paper has been enacted.

Appeal Procedures

8. Moreover, ADHA(4) is responsible for working with DoJ on drafting the subsidiary legislation on the procedures for the hearing of appeals^{Note} under the PMSO. The timing for submission to the LegCo should match with that for the subsidiary legislation on the PMSA's licensing regime (i.e. by the end of the 2018-19 financial year), to ensure that an appeal channel is in place when the licensing regime commences. Dedicated support at directorate level is necessary to ensure the smooth tabling and introduction of multiple pieces of subsidiary legislation at the same time.

^{Note} Pursuant to Part 6 of the PMSO, SHA must appoint an Appeal Panel of individuals consisting of one chairperson and 11 other members. A person aggrieved by, including but not limited to (a) a decision not to issue or renew a licence; (b) a decision to impose conditions on a licence or renewed licence; and (c) a finding made at a disciplinary hearing by the PMSA, etc., may lodge an appeal against the matter. SHA may, by regulation, prescribe the procedures for the hearing of appeals.

**Revised Duty List of
Assistant Director of Home Affairs (4)**

Rank : Administrative Officer Staff Grade C (D2)

Responsible to : Deputy Director of Home Affairs (2) (DDHA(2))

Main Duties and Responsibilities –

Licensing Related

1. To assist the Legislative Council in scrutinising the amendment bill and liaise with relevant departments and stakeholders to implement the legislative proposals related to the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (HAGAO);
2. To draw up the implementation strategy for the new regime under HAGAO, including the mechanism of local consultation and relevant guidelines, guidelines on ‘fit and proper’ person and enhanced enforcement powers to be exercised by the Office of the Licensing Authority (OLA);
3. To conduct a fee review for the licensing of hotels and guesthouses, including setting new fee structure and fee levels;
4. To conduct an overall review of the operational procedures and draw up strategies for improving the business facilitation measures of OLA;

Property Management Related

5. To serve as the policy interface between the Home Affairs Department and the Property Management Services Authority;
6. To work with the Department of Justice on the drafting of the subsidiary legislation on the procedures for the hearing of appeals under the Property Management Services Ordinance;
7. To review the Government’s policy on the property management industry as necessary; and
8. To undertake any other tasks as assigned by DDHA(2).
