

立法會

Legislative Council

LC Paper No. LS 9/99-00

Paper for the House Committee Meeting of the Legislative Council on 8 October 1999

Legal Service Division Further Report on Housing Managers Registration Bill

Members may recall that the Legal Service Division made a report to the House Committee on 9 July 1999 on the Bill (LC Paper No. LS223/98-99 refers). The purpose of the Bill is to provide for the registration and disciplinary control of professional housing managers. The House Committee has agreed to defer the decision on the Bill pending clarifications from the Administration.

2. Clause 3 of the Bill provides that no person may be appointed as a member of the Housing Managers Registration Board unless he is a member of the Institute. Clause 12(1)(a) prohibits the Board to register a person as a registered professional housing manager unless he is a member of the Institute. "Member of the Institute" is defined in clause 2 to mean a person who is a corporate member under the constitution of The Hong Kong Institute of Housing. The Legal Service Division has asked who the corporate members would be, and whether this definition is appropriate in relation to qualifications for registration under Clause 12(1)(a) since a registered professional housing manager has to be an individual.

3. The Administration has clarified that corporate members are those Fellows and ordinary members of the Institute who are entitled to vote at general meetings of the Institute. Other members are those who are not entitled to vote at the general meetings. They include associates, registered students, affiliates honorary Fellows and retired members. Corporate members are individuals and the definition applies to clause 12(1)(a).

4. A Member of the House Committee wishes to know the purpose for introducing a voluntary registration system since non-members are not prevented from practising as housing managers nor are they subject to disciplinary control. The Administration considers a voluntary registration

system adequate to regulate the profession. To propose regulating a profession by legislation would require strong justifications such as ensuring public safety or protecting the public from suffering huge financial loss due to professional malpractices. The Bill aims to assure the public that those who claim to be qualified professional housing managers have received proper training and would observe a code of conduct during practice. It allows consumers to differentiate registered professional housing managers from unregistered ones with reference to their titles. A copy of the Administration's reply is at the Annex.

5. The legal and drafting aspects of the Bill are in order. Subject to Members' views, the Bill is ready for resumption of the Second Reading debate.

Encl

Prepared by

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政府總部房屋局的信頭
Letterhead of Government Secretariat Housing Bureau

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21 September 1999

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(Attn: Miss Bernice Wong)

By Fax & Post

Dear Ms Wong,

Housing Managers Registration Bill

Thank you for your letter of 26 August. I would like to set out our response to the questions raised in your letter as follows:

1. Clause 2

There are two major types of membership under the constitution of the Hong Kong Institute of Housing. They are Corporate Members and Other Members.

- (a) Corporate Members are those Fellows and Ordinary Members of the Institute who are entitled to vote at general meetings of the Institute.
- (b) Other Members are those who are not entitled to vote at general meetings of the Institutes. These include Associates, Registered Students, Affiliates Honorary Fellows and Retired Members.

Since corporate members are individuals, it does not contradict the provisions in Clause 12(1)(a).

2. Clause 21

It is suggested that “如有.....投訴” should be replaced by “如有人提出.....投訴” . We consider that the suggestion may not be suitable as the emphasis is rather on the existence of a complaint than someone making the complaint. The present wordings reflect what the English text “a complaint concerning a disciplinary offence” provides.

3. Purpose

In view of the expanding housing programme in both the public and private sectors, the need for professional property management is well recognised. The proposed registration system serves to enhance the standards of property management and to enforce self-regulation by the profession. The Bill prohibits persons who are not registered from using the title of “registered professional housing managers”. It aims to assure the public that those who claim to be qualified professional housing managers have indeed received proper training and observe a code of conduct during practice.

We consider a voluntary registration system adequate to regulate the profession. Normally, there should be strong justifications behind proposals to regulate a profession by legislation such as ensuring public safety (e.g. medical practitioners) or protecting the public from suffering huge financial losses because of professional malpractices (e.g. solicitors and accountants). Although the Bill does not prevent unregistered persons from practising, it allows consumers to differentiate registered professional housing managers from unregistered ones with reference to their titles.

Yours sincerely,

(Miss Winnie LEUNG)
for Secretary for Housing

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