

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2053/14-15  
(These minutes have been seen  
by the Administration)

Ref : CB2/BC/7/13

**Bills Committee on Property Management Services Bill**

**Minutes of the 14<sup>th</sup> meeting**  
**held on Monday, 6 July 2015, at 4:30 pm**  
**in Conference Room 2A of the Legislative Council Complex**

- Members present** : Hon Tony TSE Wai-chuen, BBS (Chairman)  
Hon WU Chi-wai, MH (Deputy Chairman)  
Hon WONG Kwok-hing, BBS, MH  
Hon Starry LEE Wai-king, JP  
Hon CHAN Kin-por, BBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Claudia MO  
Hon Steven HO Chun-yin, BBS  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon KWOK Wai-keung
- Members absent** : Hon James TO Kun-sun  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Cyd HO Sau-lan, JP  
Hon CHEUNG Kwok-che  
Hon IP Kwok-him, GBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Frankie YICK Chi-ming, JP  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
- Public Officers attending** : Item I  
Mr Franco KWOK Wai-fan, JP  
Assistant Director of Home Affairs (4)

Mr Indiana WONG Man-chung  
Senior Administrative Officer (4)  
Home Affairs Department

Mr Michael LAM Siu-chung  
Senior Assistant Law Draftsman  
Department of Justice

Miss Cindy CHEUK Chi-wing  
Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Alice LEUNG  
Chief Council Secretary (2) 2

**Staff in attendance** : Mr YICK Wing-kin  
Assistant Legal Adviser 8

Ms Vanessa CHENG  
Assistant Legal Adviser 5

Miss Josephine SO  
Senior Council Secretary (2) 6

Miss Emma CHEUNG  
Legislative Assistant (2) 2

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**I. Meeting with the Administration**

(LC Paper Nos. CB(2) 1848/14-15(01) & (02), CB(3)583/13-14, CB(2)1761/13-14(02) to (04), CB(2)2014/13-14(01), CB(2)2189/13-14(01), CB(2)22/14-15(03) & (04), CB(2)82/14-15(02) and CB(2)191/14-15(03))

The Bills Committee deliberated (index of proceedings attached at the **Annex**).

2. The Bills Committee received the Administration's briefing on its response to issues raised by members at the Bills Committee meeting held on 29 June 2015 (LC Paper Nos. CB(2)1848/14-15(01) & (02)).

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3. The Bills Committee noted that taking into account members' views expressed at the meeting on 29 June 2015, the Administration would consider moving Committee Stage amendments ("CSAs") to the Property Management Services Bill ("the Bill") as follows -

- (a) to make it clear that section 23(9) of Schedule 3 to the Bill was also subject to Clause 46(9), which sought to regulate disclosure of interests at a meeting by the member of a committee of the Property Management Services Authority and the procedure of such meeting relating to disclosure of interests by members of the committee;
- (b) to specify clearly that the term "licence" in section 2(3)(a)(ii) of Schedule 4 to the Bill referred to a provisional property management practitioners ("PMPs") licence; and
- (c) to spell out expressly that the term "任何人" ("a person") in section 3(1) of Schedule 4 to the Bill referred to applicants for provisional PMP licences.

Clause-by-clause examination of the Bill

4. The Bills Committee continued clause-by-clause examination of the Bill (LC Paper No. CB(3)583/13-14) and examined Schedule 5 to the Bill which contained related amendments to the Prevention of Bribery Ordinance (Cap. 201) and The Ombudsman Ordinance (Cap. 397).

5. The Bills Committee completed the clause-by-clause examination of the Chinese text of the Bill. The Legal Adviser to the Bills Committee was requested to examine the English text of the Bill from the drafting point of view.

Follow-up actions

Admin

6. The Administration was requested to -

- (a) in respect of the definition of "disclosable interest" ("應披露利害關係") provided in Clause 46(1), review and consider whether amendments should be made to the Bill to address members' concerns on (i) whether the present drafting of the definition of "disclosable interest" reflected clearly the legislative intent that a member must disclose

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the nature of the interest at the meeting when actual or potential conflict of interest situations arose; (ii) the need to refine the Chinese rendition "應披露利害關係" to "應披露利益關係" as the present drafting of the definition of "disclosable interests" seemed to cover only "material advantage"; and

- (b) provide illustrative examples to explain what constituted "a personal interest greater than that which a person has as a member of the public" as provided for in Clause 46(1)(b).

Admin

7. The Bills Committee requested the Administration to prepare the draft CSAs to be proposed by the Administration for consideration by the Bills Committee at the next meeting. The Administration was also requested to provide an explanatory note/paper on its proposed CSAs.

**II. Any other business**

Date of next meeting

8. In order to allow the Administration sufficient time to prepare its response to issues raised at this meeting and the draft CSAs to the Bill, the Bills Committee agreed that the next meeting originally scheduled for Wednesday, 22 July 2015, at 10:45 am be cancelled and the next meeting would be held in late summer to discuss with the Administration the outstanding issues and to examine the draft CSAs proposed by the Administration.

9. There being no other business, the meeting ended at 5:00 pm.

**Proceedings of the 14<sup>th</sup> meeting of the  
Bills Committee on Property Management Services Bill  
on Monday, 6 July 2015, at 4:30 pm  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action Required
000414 - 000518	Chairman	The Chairman's opening remarks	
<i>Matters arising from the last meeting on 29 June 2015</i>			
000519 - 000911	Chairman Admin	<p>Briefing by the Administration on its response to issues raised by members at the Bills Committee meeting held on 29 June 2015 (LC Paper Nos. CB(2)1848/14-15(01) &amp; (02)).</p> <p>The Bills Committee noted that taking into account members' views expressed at the meeting on 29 June 2015, the Administration would consider moving Committee Stage amendments ("CSAs") to the Property Management Services Bill ("the Bill") as follows -</p> <p>(a) to make it clear that section 23(9) of Schedule 3 to the Bill was also subject to Clause 46(9), which sought to regulate disclosure of interests at a meeting by the member of a committee of the Property Management Services Authority ("PMSA") and the procedure of such meeting relating to disclosure of interests by members of the committee;</p> <p>(b) to specify clearly that the term "licence" in section 2(3)(a)(ii) of Schedule 4 to the Bill referred to a provisional property management practitioners ("PMPs") licence; and</p> <p>(c) to spell out expressly that the term "任何人" ("a person") in section 3(1) of Schedule 4 to the Bill referred to applicants for provisional PMP licences.</p>	
000912 - 001907	Chairman Mr WONG Kwok-hing Admin Ms Claudia MO Mr Paul TSE Mr KWOK Wai-keung	<p>Mr WONG Kwok-hing's and Ms Claudia MO's enquiries on whether the Chinese rendition ("披露利害關係") for the English text "disclosure of interests" in Clause 46 should be changed to "披露利益關係".</p> <p>The Administration's advice that under Clause 46, disclosable interest ("應披露利害關係") meant (a) a pecuniary interest (whether direct or indirect); or</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>(b) a personal interest greater than that which a person had as a member of the public. To accurately reflect the policy intent of requiring the disclosure of interests by members of PMSA, which might not be limited to material advantage or gain, i.e. "利益" (e.g., the "interest" in question might be a "conflict of interest"), the existing Chinese equivalent would be appropriate. The Administration's further advice that "利害關係" was commonly adopted as the Chinese equivalent to "interest" in the context of disclosure in other legislation, such as the Competition Ordinance (Cap. 619) and the Communications Authority Ordinance (Cap. 616). The existing Chinese equivalent would therefore also achieve consistency with similar provisions in other legislation.</p> <p>Mr Paul TSE's view that the existing definition of "disclosable interest" as provided in Clause 46(1) had a rather narrow coverage and did not include the concept of "conflict of interest". The Administration was requested to review and consider whether amendments should be made to the Bill to address members' concerns on (a) whether the present drafting of the definition of "disclosable interest" reflected clearly the legislative intent that a members must disclose the nature of the interest at a meeting of PMSA when actual or potential conflict of interest situations arose; and (b) the need to refine the Chinese rendition "披露利害關係" to "披露利益關係" as the present drafting of the definition of "disclosable interests" seemed to cover only "material advantage".</p> <p>Mr KWOK Wai-keung also requested the Administration to provide illustrative examples to explain what constituted "a personal interest greater than that which a person has as a member of the public" as provided for in Clause 46(1)(b).</p>	<p><b>Admin to consider and revert to the Bills Committee (Para. 6(a) of the minutes refers)</b></p> <p><b>Admin to provide information (Para. 6(b) of the minutes refers)</b></p>
<i>Clause-by-clause examination of the Bill</i>			
001908 - 002146	Chairman Admin	<p>The Bills Committee continued clause-by-clause examination of the Bill, with the aid of the Blue Bill (LC Paper No. CB(3)583/13-14).</p> <p><u>Schedule 5 to the Bill</u></p> <p><i>Part 1 - Amendment to Prevention of Bribery</i></p>	

Time marker	Speaker	Subject(s)	Action Required
		<p><i>Ordinance (Cap. 201)</i></p> <p><i>Part 2 - Amendment to The Ombudsman Ordinance (Cap. 397)</i></p> <p>The Bills Committee also examined the marked-up copy of the relevant ordinances to be amended by the Bill prepared by the Legal Service Division (LC Paper No. CB(2)1761/13-14(02)).</p>	
002147 - 002638	Chairman Mr WONG Kwok-hing Admin	<p>The Chairman recapped that the Administration had undertaken at previous meetings of the Bills Committee to propose suitable amendments to the Bill to address the various issues identified by members and the Legal Adviser to the Bills Committee. He requested the Administration to prepare the draft CSAs to be proposed by the Administration for consideration by the Bills Committee at the next meeting. The Administration was also requested to provide an explanatory note/paper on its proposed CSAs.</p> <p>The Chairman also reminded members to forward their CSAs to the Clerk before the next meeting should they intend to propose CSAs and wish their CSAs to be considered by the Bills Committee.</p> <p>Mr WONG Kwok-hing reiterated the earlier request of the Bills Committee that the Administration should compile lists/tables to set out the matters that would be covered by the subsidiary legislation and/or addressed in the codes of conduct/codes of practice to be issued by PMSA as well as CSAs to be proposed by the Administration, to facilitate members' future discussion of the outstanding issues.</p>	<p><b>Admin to provide the draft CSAs with an explanatory note/paper (Para. 7 of the minutes refers)</b></p>
002639 - 002846	Chairman Mr WONG Kwok-hing	<p>The Chairman's remarks that the Bills Committee had completed the clause-by-clause examination of the Chinese text of the Bill. The Legal Adviser to the Bills Committee was requested to examine the English text of the Bill from the drafting point of view.</p> <p>The Chairman suggested and members agreed that in order to allow the Administration sufficient time to prepare its response to issues raised at this meeting and the draft CSAs to the Bill, the next meeting originally scheduled for 22 July 2015 be cancelled. The Chairman's advice that the Bills Committee would meet in late summer to discuss</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
		with the Administration the outstanding issues and to examine the draft CSAs proposed by the Administration.	
002847 - 003111	Chairman Mr WONG Kwok-hing Admin	In response to Mr WONG Kwok-hing's enquiry, the Administration advised that depending on the progress of the Bills Committee, the Administration aimed to complete the scrutiny work of the Bill within 2015.  The Chairman's closing remarks.	

Council Business Division 2  
Legislative Council Secretariat  
27 August 2015