

**Bills Committee on  
Property Management Services Bill**

**List of follow-up actions arising from the discussion  
at the meeting on 27 February 2015**

1. The Administration advised that after considering members' views expressed at the meeting on 9 February 2015 and consulting the Department of Justice, it agreed to move Committee Stage amendments ("CSAs") to the Property Management Services Bill ("the Bill") to address members' concerns over the procedures on application for the renewal of a property management company ("PMC") licence and a property management practitioner ("PMP") licence. These included the timing for application, when and how the clients of a PMC were to be informed of the Property Management Services Authority ("PMSA")'s decision that the PMC's licence was not to be renewed, whether a licence that expired prior to PMSA's determination of a renewal application should remain in force until PMSA's determination of the application and whether PMSA should have discretion to accept licence renewal applications made after the expiry of the licences. The Administration was requested to elaborate in writing the details of the proposed amendments.
2. Noting that as provided under Clause 12 of the Bill, PMSA must, from time to time by notice published in the Gazette, publish a list of licensees (including their names and licence numbers), members suggested that a unique licence number should be assigned to each licensee and the same licence number should not be used again in future even if the original bearer ceased to act as a PMC/PMP and no longer registered with PMSA. The Administration agreed to consider this suggestion and revert to the Bills Committee in due course.
3. The Administration was requested to consider the following suggestion/comments made by the Legal Adviser to the Bills Committee concerning the drafting of Clause 13 and provide a written response -
  - (a) in respect of Clause 13(2)(h), the suggestion of revising the present drafting of the provision, e.g. by dividing it into two parts, to enhance its clarity about the applicability of section 2 of the Rehabilitation of Offenders Ordinance (Cap. 297) in the disclosure of the conviction record of a licensed PMC from the PMC register to be kept by PMSA;
  - (b) Clause 13(7) provided that the contents of the PMC register, PMP (Tier 1) register or PMP (Tier 2) register available on the Internet

or similar electronic network must not include particulars of a licensee's conviction record mentioned in subsection (2)(h), (3)(e) or (4)(e). It appeared that the purpose of this provision was to protect the privacy of PMPs (who were natural persons) but not the privacy of PMCs. On clarification by the Administration, it was noted that some entities might be operated by a sole proprietor or as a partnership. The Administration was requested to consider the need to amend Clause 13(7) to exclude subsection (2)(h) from the ambit of section 13(7); and

- (c) the Administration was requested to also consider the need to amend Clause 13(8) to the effect that the "copy of the whole or a part of a register" referred to in the Clause must not include particulars of a licensee's conviction record mentioned in subsections (3)(e) or (4)(e).

4. Members noted that Clause 15 empowered PMSA to make regulations for Part 3 including the criteria for holding a PMC or PMP licence (Clause 15(1)(c), (2)(a) and (2)(b)) while Clause 11 had set out the factors that PMSA must have regard to in determining whether a person was suitable to hold a licence. Concerns were raised whether Clause 15, as presently drafted, would give PMSA too much discretionary power to impose additional/more stringent criteria for the granting of licences and whether the Legislative Council would have a chance to scrutinize such criteria to be proposed by PMSA. The Administration was requested to respond to this concern of members.

5. There was also a view that the term "the person (有關人士)" in Clause 15(2)(a) might be redundant and cause confusion to readers. The Administration was requested to consider the view and revert to the Bills Committee.

6. Under Clause 16, a licensed PMC was required to provide the PMC's clients with information to be prescribed by PMSA. As the Administration had agreed earlier that a licensed PMC should have the responsibility to inform their clients of PMSA's intention that its licence was not to be renewed or should be revoked, the Administration was requested to consider the need to move CSAs to Clause 16(3) to require PMCs to provide such information to their clients.