

**Bills Committee on  
Property Management Services Bill**

**List of follow-up actions arising from the discussion  
at the meeting on 29 June 2015**

1. In relation to the proposed section 23(9) of Schedule 3 to the Property Management Services Bill ("the Bill"), the Administration was requested to consider the suggestion made by the Legal Adviser to the Bills Committee to move Committee Stage amendments ("CSAs") to make section 23(9) of Schedule 3 also subject to Clause 46, 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.
2. The Administration was also requested to consider a member's suggestion of specifying clearly in Clause 55(4) that a copy of the certificate of levy and penalty under this section should be served by registered post if it was to be sent by post to, the person's last known postal address, or place of abode, business or employment.
3. In the course of examining Clause 59, members were advised that there might be cases where a transferee needed not pay the stamp duty in respect of an immovable property transferred to him/her (e.g. if his/her appeal against the payment of stamp duty was successful), thereby a need to include in the Bill an enabling clause for PMSA to remit and refund levy or penalty paid or payable for a leviable instrument. To facilitate members' understanding of possible situations of refund of stamp duty, the Administration was requested to provide illustrative examples in this respect.
4. Noting that Clause 61 provided a defence for licensed property management practitioners ("PMPs") as employees in proceedings for a disciplinary offence, the Administration was requested to provide examples of similar provisions in other legislation for members' reference.
5. Concern was raised that the present drafting of the proposed section 2(4)(b) to (e) of Schedule 4 was too rigid and would have the effect of rejecting all applications where the applicants had past records of criminal conviction or whose application for a licence had been refused, revoked or suspended. The Administration was requested to clarify in writing the policy intent in respect of the granting of provisional PMP licences, in particular, whether the factors set out in the proposed section 2(4)(b) to (e) would be the exclusive factors for

determining whether an applicant was a suitable person to hold a PMP licence or a provisional licence.

6. Regarding the proposed section 2 of Schedule 4, the Administration, taking into account the comments/observations made by members and the Legal Adviser to the Bills Committee, agreed to consider the need to specify clearly that -

- (a) in relation to subsection (3)(a)(ii), the term "licence" referred to a provisional PMP licence, in order to avoid confusion in the interpretation of the term; and
- (b) in relation to subsection (4)(c), the phrase "disciplinary offence" meant a disciplinary offence as defined under Clause 4 of the Bill.

7. The Administration also agreed to consider improving the drafting of section 3(1) of Schedule 4 in relation to the term "任何人" ("a person aggrieved by a decision not to issue a provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence") to spell out expressly that the term "任何人" ("a person") referred to applicants for provisional PMP licences.