

民政事務總署  
香港灣仔軒尼詩道一百三十號  
修頓中心二十九、三十及三十一樓



**Home Affairs Department**

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8 July 2014

Mr Bonny LOO  
Assistant Legal Adviser 3  
Legislative Council Secretariat  
Legal Service Division  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

By Fax (2877 5029)

Dear Mr Loo,

**Property Management Services Bill**

Further to our reply of 6 June 2014, our reply to other questions is set out at the Annex.

Yours sincerely,

(Indiana WONG)  
for Director of Home Affairs

c.c. DoJ (Attn:	Mr Michael LAM	(By Fax: 2869 1302)
	Miss Grace LAM	(By Fax: 3543 0390)
	Miss Cindy CHEUK	(By Fax: 2869 1302))

**Response to ALA's Observations on the Provisions of the Bill –  
Annex 1 to ALA's letter dated 21 May 2014**

Duties of licensees (Part 4)

16. We agree that there should be requirements regarding moneys received or held by property management companies (PMCs) and/or property management practitioners (PMPs) for or on account of their clients. We will consider whether the requirements are to be set out in the codes of conduct, or whether any amendments to the Bill would be necessary including whether the Authority is to be empowered to make regulations on such requirements.

Investigation and disciplinary matters (Part 5)

- 20.(a) We will consider making necessary amendments to the Bill to empower the Authority to receive or consider any material that would not be admissible in civil or criminal proceedings.
- 22.(b) We agree that the exception in clause 31(4)(a) should apply to an offence under clause 39 in addition to clause 28. We will consider making necessary amendments to the Bill.

Defence for licensed PMP as employee (clause 61)

28. The standard of proof for disciplinary proceedings is the preponderance of probability.
- 29.(a)&(b) A defendant who pleads the defence provided under clause 61 in disciplinary proceedings should bear the legal burden of proving the defence. The standard of proof is on a preponderance of probability.
30. We agree that the Authority's disciplinary powers under Part 5 and the defence under clause 61 should apply to the holders of provisional PMP licences. We will consider making necessary amendments to the Bill.