

**Bills Committee on
the Property Management Services Bill**

**The Government's Draft Committee Stage Amendments
to the Property Management Services Bill**

Purpose

This paper provides the Government's draft Committee Stage Amendments (CSAs) to the Property Management Services Bill (the Bill) for Members' reference.

2. Brief descriptions of the draft CSAs are set out in the table below. The draft CSAs are at **Annex A**. A marked-up copy incorporating amendments¹ proposed by the CSAs is at **Annex B**.

Brief Descriptions of the Draft CSAs

(Note: ALA = Assistant Legal Advisor of the Bills Committee; PMC = Property Management Companies; PMP = Property Management Practitioner; PMSA = Property Management Services Authority)

	<u>Provisions to be Amended</u>	<u>Brief Description of the Proposed Amendments</u>
1.	Clause 2 – definition of “company” in the English text	<i>Textual amendment</i> In response to Members and ALA's suggestion, to amend the English text to align that with the Chinese text.
2.	Clause 4(d)	In response to Members and ALA's suggestion, to expand the scope of the clause so that non-compliance with a notice given under clause 21(2) and non-compliance with summons under clauses 24(1)(b) and 36(1)(b) would constitute a disciplinary offence.

¹ The marked-up copy is for reference only.

	<u>Provisions to be Amended</u>	<u>Brief Description of the Proposed Amendments</u>
3.	Clause 5(1) and (1A)	In response to Members and ALA's suggestion, to expand the scope of the clause to empower the PMSA to issue codes of conduct containing any practical guidance that it considers appropriate for the purposes of section 4, including the matters that the PMSA considers to be relevant to determining the question of misconduct or neglect committed by a licensee in a professional respect and the criminal offences that may bring the profession of property management services into disrepute.
4.	Clause 5(5)	In response to ALA's suggestion and in view of the importance of the codes of conduct, to require the PMSA to publish the codes of conduct, and the amendments made to them, in the Gazette.
5.	Clauses 6(2)(c) and (3)(c)	In response to ALA's suggestion, to prohibit a person from using a title in any language that so closely resembles "registered professional property manager" or "licensed property management officer" so as to be capable of deceiving or misleading any person into believing that the person is licensed PMP (Tier 1) or licensed PMP (Tier 2).
6.	Clause 7(2A)	For the sake of clarity, to move the original clause 7(5) to clause 7(2A).
7.	Clause 7(2B)	<p>There was concern that professional bodies or offices of Legislative Council / District Council Members might need to obtain a PMC licence to provide free advisory services to owners / owners' organisation.</p> <p>In response to Members' concern, to specify that the Bill does not prohibit a person from providing advisory services relating to property management services without consideration.</p>

	<u>Provisions to be Amended</u>	<u>Brief Description of the Proposed Amendments</u>
8.	Clauses 7(3) and (4)	In view of the newly added clauses 7(4A) and (4B), to make the corresponding amendments.
9.	Clause 7(4A)	In response to Members' suggestion, to specify that if an owners' organisation (e.g. owners' corporation) decides to switch from engaging a PMC or PMP to "self-management", such decision must be supported by passing a resolution at a general meeting of the owners' organisation, otherwise the owners' organisation concerned would not be exempted from obtaining PMC licence.
10.	Clause 7(4B)	<p>Members consider that it would be undesirable for large-scale property to be managed by the owners themselves, given that building management issues are complicated and for the protection of owners' interests.</p> <p>In response to Members' concern, to specify that owners' organisation or owners could not self-manage property that contains 1 500 flats or above.</p>
11.	Clause 10	<p>The arrangement for renewing the PMC and PMP licences are very important as it has a direct bearing on the livelihoods of the licensees as well as the property they manage.</p> <p>In response to Members and ALA's suggestion, to enhance the licence renewal procedures as follows –</p> <p>(a) an application for the renewal of a PMP and PMC licence should be made 3 to 6 months before expiry and 6 to 9 months before expiry respectively;</p> <p>(b) if a licensee has already made a renewal application within the stipulated timeframe, his licence will remain in force until the</p>

	<u>Provisions to be Amended</u>	<u>Brief Description of the Proposed Amendments</u>
		<p>PMSA's determination of the application;</p> <p>(c) if the PMSA does not receive renewal application from a PMC within the stipulated timeframe, it will proactively inform the owners or owners' organisations of the property managed by the PMC;</p> <p>(d) the PMSA could exercise discretion to handle licence renewal applications made after the stipulated timeframe but before the expiry of the licence on a case-by-case basis. Under such situation, the PMSA could charge a fee and impose other conditions, and extend the validity of the licence for a period not exceeding 6 months if necessary; and</p> <p>(e) for those PMCs whose licence renewal applications are rejected, the PMSA could extend the validity of the licence for a period not exceeding 6 months, subject to any prescribed fees the PMSA may charge and any conditions the PMSA may impose. The PMCs could continue to provide services to existing owners and owners' organisations such that they would have sufficient time to hire a new service provider.</p>
12.	Clauses 11(2)(a)(ii), (b)(iii) and (c)(iv), and (4)(a)(ii) and (b)(iii)	<p><i>Textual amendment</i></p> <p>In response to ALA's suggestion, to add “協議” after “重整” in the Chinese text to ensure consistency in the Chinese expression.</p>
13.	Clauses 13(2)(h) and (ha)	<p>In response to Members' suggestion, to specify that section 2 of the Rehabilitation of Offenders Ordinance (Cap. 297) would only apply to PMCs that are natural persons.</p>

	<u>Provisions to be Amended</u>	<u>Brief Description of the Proposed Amendments</u>
14.	Clause 13(7)	<p><i>Textual amendment</i></p> <p>In response to ALA's suggestion, to change “登記冊及” to “登記冊或” in the Chinese text to ensure consistency between the two texts; and, in view of the amendment to clause 13(2), to make corresponding amendment.</p>
15.	Clause 13(7) and (8)	<p>To protect the privacy of PMCs that are individuals and PMPs, their conviction records should be less accessible than PMCs that are not individuals.</p> <p>In response to Members' suggestion, to specify that the conviction records of PMCs that are not individuals would not be available on the Internet, and that no person would be allowed to obtain copy of the conviction records of PMCs that are individuals and PMPs from the register.</p>
16.	Clause 15(1)	<p>For licence renewal applications made after the stipulated timeframe and for those PMCs whose licence renewal applications are rejected, to empower the PMSA to prescribe, by regulation, the fees that may be charged for extending the validity of the licence.</p>
17.	Clause 16(1A) – definition of “client”	<p>In response to Members' suggestion, to define “client”, in relation to a property for which a licensed PMC provides property management services, means –</p> <p>(a) the owners' organisation of the property; and</p> <p>(b) the owners of the property who pay or are liable to pay the management expenses in respect of the services.</p>

	<u>Provisions to be Amended</u>	<u>Brief Description of the Proposed Amendments</u>
18.	Clause 16(1)	It is our policy intent that a licensed PMC should provide the PMC's clients in the property for which the PMC provides property management services with the prescribed information relating to the property in the prescribed manner. The relevant amendment aims to clarify our legislative intent.
19.	Clause 16(2), (2A) and (4)	<p>It is our policy intent that certain prescribed information (e.g. draft budget, budget and revised budget) should be sent to the owners' organisation and/or be displayed in a prominent place in the property, while other prescribed information (e.g. books or records of accounts, income and expenditure account and balance sheet) should be available for inspection by clients.</p> <p>The proposed amendment aims to empower the PMSA to prescribe different dissemination manners for different prescribed information.</p>
20.	Clause 16(3)	To clarify that property management services are provided by the PMC to the property and not the clients.
21.	Clause 21(5)	<p>The clause, as presently drafted, did not empower the PMSA to require electronically stored information / document to be reduced into a written form on paper.</p> <p>In response to ALA's suggestion, to empower the PMSA to require electronically stored information / document to be reduced into a written form on paper.</p>
22.	Clause 21(6)(a)	In response to ALA's suggestion, to include a reference to an officer of a corporate in the clause, in order to cover the scenario that the person required to provide information is a company.

	<u>Provisions to be Amended</u>	<u>Brief Description of the Proposed Amendments</u>
23.	Clause 24(1)	In response to ALA's suggestion, to empower the PMSA to receive or consider any material, whether by way of oral evidence, written statements, documents or otherwise, and whether or not the material would be admissible in civil or criminal proceedings, in order to align the power to be conferred on an appeal tribunal.
24.	Clause 24(4)	In response to Members' suggestion, to specify that any party to a hearing before the PMSA might request the hearing, or any part of the hearing, to be held in private, and it was for the PMSA to decide whether such request should be acceded to after consulting the parties concerned.
25.	Clause 25(1)(b)	<i>Textual amendment</i> In response to ALA's suggestion, to change "fine" to "penalty" in the English text for sake of clarity.
26.	Clause 25(5)	In response to ALA's suggestion, to clarify that orders of the PMSA / disciplinary committee shall take effect even if an application is made to revoke, vary or suspend the order.
27.	Clause 31(4)	<i>Textual amendment</i> In response to Members' suggestion, to avoid clauses 31(4)(b) and (c) from being repetitive. [Note: Regarding the question whether clause 31 on "self-incrimination" should be applicable to the hearings of the PMSA, disciplinary committee and appeal tribunal, we are seeking further views and advice from the Department of Justice and will report to the Bills Committee in due course.]

	<u>Provisions to be Amended</u>	<u>Brief Description of the Proposed Amendments</u>
28.	Clause 36(1)(d)	<p><i>Textual amendment</i></p> <p>In response to Members’ suggestion, to enhance the clarity, readability and comprehensibility of the clause.</p>
29.	Clause 36(3)	<p>In response to Members’ suggestion, to specify that any party to a hearing before the appeal tribunal might request the hearing, or any part of the hearing, to be held in private, and it was for the chairperson of the appeal tribunal to decide whether such request should be acceded to after consulting the parties concerned.</p>
30.	Clause 37(1)	<p>In response to Members’ suggestion, to make it clear that the appeal tribunal has the power to make an order for costs and expenses incurred in relation to hearings before the tribunal.</p>
31.	Clause 39A	<p>In response to Members and ALA’s suggestion, to make a party, witness, counsel, solicitors or any other person who appears before an appeal tribunal would also be protected by the same privileges and immunities as that person would have if the appeal were civil proceedings in the Court of First Instance.</p>
32.	Schedule 2, heading	<p><i>Textual amendment</i></p> <p>In response to ALA’s suggestion, to change “fine” to “penalty” in the English text for sake of clarity.</p>
33.	Schedule 3, section 3	<p><i>Textual amendment</i></p> <p>In response to Members’ suggestion, to change “酬金” to “薪酬” in the Chinese text.</p>

	<u>Provisions to be Amended</u>	<u>Brief Description of the Proposed Amendments</u>
34.	Schedule 3, section 6	<p>Even if the Chairperson of the PMSA is out of town, he may still be able to perform the functions of the office of the Chairperson by way of telephone, video conferencing or other electronic means under certain circumstances.</p> <p>In response to Members' suggestion, to empower the Chairperson of the PMSA to determine, having regard to the specific circumstances, whether it is necessary to designate the Vice-chairperson to act in his place when he is temporarily absent from Hong Kong.</p>
35.	Schedule 3, section 9	In response to ALA's suggestion, to ensure that the confidentiality of the PMSA's meetings would not be compromised as a result of individual members participating by electronic means.
36.	Schedule 3, section 13	In response to ALA's suggestion, to provide that the resolution may be in the form of one or more documents, each in the same form and signed by one or more members of the PMSA, in order to cater for the scenario that each member assenting to the proposed resolution signs their own copy.
37.	Schedule 3, section 13	<p>The clause, as presently drafted, could not cater for the scenario where a member requested for a meeting after a written resolution was assented to.</p> <p>In response to ALA's suggestion, to provide that a written resolution assented to would become void if a meeting is subsequently requested.</p>
38.	Schedule 3, section 19(1)	<p><i>Textual amendment</i></p> <p>In response to ALA's suggestion, to change “審核” to “審計” in the Chinese text to tally the Chinese translation of the term “audit”.</p>

	<u>Provisions to be Amended</u>	<u>Brief Description of the Proposed Amendments</u>
39.	Schedule 3, section 20(2)	<p>The clause, as presently, drafted, does not require the annual report to contain an outline of the disciplinary hearings.</p> <p>In response to ALA's suggestion, to require the annual report to contain an outline of all disciplinary hearings conducted under clause 23.</p>
40.	Schedule 3, section 22(3)	<p>The clause, as presently, drafted, does not require the Director of Audit's report be laid on the table of the Legislative Council and does not specify who is to cause the report to be so tabled.</p> <p>In response to ALA's suggestion, to require the Director of Audit's report to be laid on the table of the Legislative Council, and the President of the Legislative Council will cause the report to be tabled.</p>
41.	Schedule 3, section 23(1)	<p><i>Textual amendment</i></p> <p>In response to ALA's suggestion, to change “違紀” to “紀律” in the Chinese text to avoid inconsistency.</p>
42.	Schedule 3, section 23(9)	<p>In response to Members and ALA's suggestion, to specify that the committees under the PMSA shall be subjected to clause 46(9) of the Bill for the avoidance of doubt.</p>
43.	Schedule 4, section 3(1)	<p><i>Textual amendment</i></p> <p>In response to Members' suggestion, to specify that the term “a person” refers to “an applicant for a provisional PMP licence” for sake of clarity.</p>

	<u>Provisions to be Amended</u>	<u>Brief Description of the Proposed Amendments</u>
44.	Schedule 4, section 3A	In response to Members and ALA's suggestion, to specify that clauses 12 and 13, the PMSA's disciplinary powers under Part 5, the appeal mechanism under Part 6 and the defence under clause 61 should apply to the holders of provisional PMP licences; and to move the original section 2(7) of Schedule 4 to clause 3A of the same Schedule for sake of clarity.
45.	Schedule 4, section 4(1)(a)	<i>Textual amendment</i> In response to ALA's suggestion, to change “申請或” to “或” in the Chinese text.

Home Affairs Department
October 2015

Property Management Services Bill

Committee Stage

Amendments to be moved by the Secretary for Home Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
2	<p>In the English text, by deleting the definition of <i>company</i> and substituting—</p> <p>“<i>company</i> (公司) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622) and includes—</p> <ul style="list-style-type: none">(a) a body corporate incorporated or established by or under any other Ordinance; and(b) a body corporate incorporated or established outside Hong Kong;”.
4	<p>By deleting paragraph (d) and substituting—</p> <p>“(d) without reasonable excuse, fails to—</p> <ul style="list-style-type: none">(i) comply with a notice under section 21(2); or(ii) comply with a summons under section 24(1)(b) or 36(1)(b);”.
5	<p>By deleting subclause (1) and substituting—</p> <p>“(1) The Authority may issue codes of conduct containing any practical guidance that it considers appropriate for the purposes of section 4.</p> <p>(1A) Without limiting subsection (1), the codes of conduct may specify—</p> <ul style="list-style-type: none">(a) for the purposes of section 4(a), the matters that the Authority considers to be relevant to determining the question of misconduct or neglect committed by a licensee in a professional respect; and(b) for the purposes of section 4(e), the criminal offences that the Authority considers may bring the profession of property management services into disrepute.”.
5	<p>By deleting subclause (5) and substituting—</p>

“(5) The Authority must publish the codes of conduct, and the amendments made to them, in the Gazette.”.

6(2)(c) By deleting the full stop and substituting “or use a title in any language that so closely resembles “registered professional property manager” or “註冊專業物業經理” as to be capable of deceiving or misleading any person into believing that the person is a licensed PMP (Tier 1).”.

6(3)(c) By deleting the full stop and substituting “or use a title in any language that so closely resembles “licensed professional property management officer” or “持牌物業管理主任” as to be capable of deceiving or misleading any person into believing that the person is a licensed PMP (Tier 2).”.

7 By adding—

“(2A) Section 6(1)(a), (2)(a) or (3)(a) does not prohibit a person from providing a property outside Hong Kong with property management services.

(2B) Section 6(1)(a), (2)(a) or (3)(a) does not prohibit a person from providing advisory services relating to property management services without consideration.”.

7(3) By deleting “Section” and substituting “Subject to subsections (4A) and (4B), section”.

7(4) By deleting “Section” and substituting “Subject to subsection (4B), section”.

7 By adding—

“(4A) If the owners’ organization of a property, in order to provide the property with property management services, ceases to engage a property management company or property management practitioner, subsection (3) does not apply unless the cessation is approved by a resolution passed at a

general meeting of the owners' organization.

- (4B) Subsections (3) and (4) do not apply to a property that contains 1 500 or more than 1 500 flats within the meaning of section 2 of the Building Management Ordinance (Cap. 344).”.

7 By deleting subclause (5).

10(1) By deleting paragraph (a) and substituting—

- “(a) must be made to the Authority in the specified form—
- (i) for a PMC licence, within 6 to 9 months before the expiry of the licence; or
 - (ii) for a PMP licence, within 3 to 6 months before the expiry of the licence;”.

10 By deleting subclause (7).

10 By adding—

- “(9) Subject to subsection (10), a licence in respect of which an application for renewal is made under this section and which, but for this subsection, would have expired before the determination of the application remains in force until the determination by the Authority of the application.
- (10) Subsection (9) does not apply if—
- (a) the application is made after the period specified in subsection (1)(a)(i) or (ii);
 - (b) the application is withdrawn; or
 - (c) the licence is suspended or revoked under section 25.
- (11) If a licensed PMC does not apply for the renewal of the PMC's licence within the period specified in subsection (1)(a)(i), the Authority must, by notice in writing given to the owners or owners' organizations of the property for which the PMC provides property management services, inform the owners or owners' organizations of that fact.
- (12) If an application for the renewal of a licence is made after the period specified in subsection (1)(a)(i) or (ii) but before the expiry of the licence, the Authority—
- (a) may accept the application if the Authority considers that there is a good reason for doing so; and
 - (b) may extend the validity of the licence for a period not exceeding 6 months, subject to any prescribed fees the Authority may charge and any conditions the

Authority may impose.

- (13) If the Authority decides not to renew a licence—
 - (a) the Authority must, by notice in writing given to the applicant within 21 days beginning on the date on which the decision is made—
 - (i) notify the applicant of the decision; and
 - (ii) give reasons for the decision; and
 - (b) for a PMC licence, the Authority may extend the validity of the licence for a period not exceeding 6 months, subject to any prescribed fees the Authority may charge and any conditions the Authority may impose.”.

11(2)(a)(ii) In the Chinese text, by adding “協議” after “重整”.

11(2)(b)(iii) In the Chinese text, by adding “協議” after “重整”.

11(2)(c)(iv) In the Chinese text, by adding “協議” after “重整”.

11(4)(a)(ii) In the Chinese text, by adding “協議” after “重整”.

11(4)(b)(iii) In the Chinese text, by adding “協議” after “重整”.

13(2) By deleting paragraph (h) and substituting—

- “(h) if the PMC is a company, the conviction record of the PMC (if any) in relation to disciplinary offences or criminal offences under this Ordinance;
- (ha) if the PMC is not a company, subject to section 2 of the Rehabilitation of Offenders Ordinance (Cap. 297), the conviction record of the PMC (if any) in relation to disciplinary offences or criminal offences under this Ordinance; and”.

13(7) By deleting “(2)(h)” and substituting “(2)(ha)”.

13(7) In the Chinese text, by deleting “登記冊及” and substituting “登記冊或”.

- 13(8) By deleting “this section” and substituting “subsection (2) (except paragraph (ha)), subsection (3) (except paragraph (e)) or subsection (4) (except paragraph (e))”.
- 15(1) By adding—
- “(da) the fees payable for the extension of the validity of a licence under section 10(12)(b) or (13)(b);”.
- 16 By adding before subclause (1)—
- “(1A) In this section—
- client** (客戶), in relation to a property for which a licensed PMC provides property management services, means—
- (a) the owners’ organization of the property; and
- (b) the owners of the property who pay or are liable to pay the management expenses in respect of the services.”.
- 16 By deleting subclause (1) and substituting—
- “(1) A licensed PMC must—
- (a) prepare the prescribed information in respect of each property for which the PMC provides property management services; and
- (b) provide the PMC’s clients in each property for which the PMC provides property management services with the prescribed information relating to the property in the prescribed manners.”.
- 16(2) In the English text, by deleting “manner” and substituting “manners”.
- 16 By adding—
- “(2A) The regulation may prescribe different manners for different prescribed information.”.
- 16(3) By deleting “property management services provided by a licensed PMC to the PMC’s clients” and substituting “property for which a licensed PMC

provides property management services”.

16 By adding—

- “(4) The prescribed manners in which a licensed PMC must provide the prescribed information relating to the property for which the PMC provides property management services may include—
- (a) sending a copy of the prescribed information to the owners’ organization of the property (if any);
 - (b) displaying a copy of the prescribed information in a prominent place in the property;
 - (c) allowing the PMC’s clients in the property to inspect the prescribed information;
 - (d) on request by the PMC’s clients in the property and on payment of a reasonable copying fee, supplying the clients with a copy of the prescribed information.”.

21(5) By deleting paragraph (b) and substituting—

- “(b) if the information is stored electronically, the power to require—
- (i) the provision of instructions on the operation of the equipment containing the information; and
 - (ii) the provision of the appropriate system for reducing the information into a written form on paper.”.

21(6)(a) By deleting subparagraph (ii) and substituting—

- “(ii) to require that person, or any other person who is or was an officer (within the meaning of section 2(1) of the Companies Ordinance (Cap. 622)), employee or partner of that person, to give an explanation of or further particulars about the document; and”.

24(1) By adding—

- “(ca) to receive and consider any material, whether by way of oral evidence, written statements, documents or otherwise, and whether or not the material would be admissible in civil or criminal proceedings;”.

24(4) By adding “, on application by any of the parties to the hearing,” after

“may”.

25(1)(b) In the English text, by deleting “fine” and substituting “penalty”.

25(5) By adding before paragraph (a)—

“(aa) an application has been made under subsection (6) to revoke, vary or suspend the order;”.

31(4)(a) By adding “and” after “28;”.

31(4)(b) By deleting the semicolon and substituting a full stop.

31(4) By deleting paragraph (c).

36(1) By deleting paragraph (d) and substituting—

“(d) to receive and consider any material, whether by way of oral evidence, written statements, documents or otherwise, and whether or not the material would be admissible in civil or criminal proceedings;”.

36(3) By adding “, on application by any of the parties,” after “may”.

37 By deleting subclause (1) and substituting—

“(1) An appeal tribunal hearing an appeal—

(a) may confirm, vary or reverse any decision, finding or order to which the appeal relates; and

(b) may make an order as to the payment of the costs and expenses incurred in relation to the hearing, whether by the tribunal, any party to the hearing, or any person attending the hearing as a witness.”.

New By adding—

“39A. Immunity

A party, solicitor, counsel, witness or any other person who appears before an appeal tribunal at a hearing under section 34 has the same privileges and immunities as the person

would have if the hearing were civil proceedings in the Court of First Instance.”.

Schedule 2, In the English text, by deleting “**Fine**” and substituting “**Penalty**”.
heading

Schedule 3, In the Chinese text, by deleting “薪酬” and substituting “酬金”.
section 3

Schedule 3, By deleting “the Vice-chairperson is” and substituting “the Chairperson
section 6 may designate the Vice-chairperson “.

Schedule 3, By adding—
section 9

“(3) The Authority must make standing orders, not inconsistent with this Ordinance, for the purposes of regulating the conduct of any meeting to which subsection (2) applies, in order to ensure that the confidentiality of the meeting, if any, is not compromised.”.

Schedule 3, By adding —
section 13

“(1A) For the purposes of subsection (1), a resolution to which that subsection applies may be—
(a) in the form of one document; or
(b) in the form of more than one document, each in the same form and signed by one or more members of the Authority.”.

Schedule 3, By adding —
section 13

“(5) If, in respect of any business being transacted by the circulation of resolutions, a request is made under subsection (3), any resolution assented to under subsection (1)(c) becomes void.”.

Schedule 3, In the Chinese text, by deleting “審核” and substituting “審計”.
section
19(1)

Schedule 3, By adding—

section 20(2) “(aa) an outline of the all hearings conducted under section 23 of this Ordinance.”

Schedule 3, By adding “, and the President of the Legislative Council must, on receiving the results, cause them to be laid on the table of the Legislative Council” after “examination”.

Schedule 3, In the Chinese text, by deleting “違紀” and substituting “紀律”.
section 23(1)

Schedule 3, By adding “section 46(9) of this Ordinance and” after “Subject to”.
section 23(9)

Schedule 4, By deleting subsection (7).
section 2

Schedule 4, By deleting subsection (1) and substituting—
section 3

“(1) An applicant for a provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence who is aggrieved by a decision not to issue the licence may lodge an appeal.”.

Schedule 4 By adding—

“3A. Provisions applicable to holders of provisional PMP licences

The following provisions, with necessary modifications, apply to the holder of a licence issued under section 1 of this Schedule as they apply to a licensed PMP—

- (a) sections 12 and 13 of this Ordinance;
- (b) Parts 5 and 6 of this Ordinance;
- (c) section 61 of this Ordinance.”.

Schedule 4, In the Chinese text, by deleting “申請或” and substituting “或”.
section 4(1)(a)

**The Government's Draft Committee Stage Amendments
To the Property Management Services Bill**

Marked-up Copy

2. Interpretation

2. 釋義

In this Ordinance –

在本條例中 –

...

~~*company* (公司) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622) and includes a body corporate—~~

~~(a) incorporated or otherwise established by or under any other Ordinance; or~~

~~(b) incorporated or otherwise established outside Hong Kong;~~

company (公司) has the meaning given by section 2(1) of the Companies Ordinance (Cap. 622) and includes –

(a) a body corporate incorporated or established by or under any other Ordinance; and

(b) a body corporate incorporated or established outside Hong Kong;

[English text only]

...

4. Disciplinary offences

4. 違紀行為

For the purposes of this Ordinance, a licensee commits a disciplinary offence if the licensee –

...

~~(d) without reasonable excuse, does not attend before the Authority or the disciplinary committee when summoned to do so as a witness; or~~

(d) without reasonable excuse, fails to –

(i) comply with a notice under section 21(2); or

(ii) comply with a summons under section 24(1)(b) or 36(1)(b);

...

就本條例而言，持牌人如有以下情況，即屬犯違紀行為 –

...

~~(d) 被傳召到監管局或紀律委員會席前作證人時，無合理辯解而沒有出席；或~~

(d) 無合理辯解而沒有 –

(i) 遵從第 21(2)條所指的通知；或

(ii) 遵從第 24(1)(b)或 36(1)(b)條所指的傳票；

...

5. Codes of conduct for section 4

5. 關於第 4 條的操守守則

~~(1) For the purposes of section 4(a), the Authority may issue codes of conduct specifying the matters it considers to be relevant in determining the question of misconduct or neglect committed by a licensee in a professional respect.~~

(1) The Authority may issue codes of conduct containing any practical guidance that it considers appropriate for the purposes of section 4.

(1A) Without limiting subsection (1), the codes of conduct may specify –

(a) for the purposes of section 4(a), the matters that the Authority considers to be relevant to determining the question of misconduct or neglect committed by a licensee in a professional respect; and

(b) for the purposes of section 4(e), the criminal offences that the Authority considers may bring the profession of property management services into disrepute.

~~(1) 為施行第 4(a)條，監管局可發出操守守則，指明其認為攸關持牌人在專業方面是否有失當或疏忽行為的裁斷的事宜。~~

(1) 監管局可發出操守守則，守則須載有監管局認為對施行第 4 條屬適當的任何實務指示。

(1A) 在不局限第(1)款的原則下，有關操守守則可 –

(a) 為施行第 4(a)條，指明符合以下說明的事宜：監管局認為，該等事宜攸關裁斷持牌人在專業方面有失當或疏忽行為的問題；及

(b) 為施行第 4(e)條，指明監管局認為可能損及物業管理服務專業的聲譽的罪行。

...

~~(5) The codes of conduct, and the amendments made to them, may be published in any manner the Authority considers appropriate.~~

(5) The Authority must publish the codes of conduct, and the amendments made to them, in the Gazette.

...

~~(5) 操守守則以及對操守守則的修訂，可按監管局認為適當的任何方式公布。~~

(5) 監管局須將有關操守守則，以及對操守守則的修訂，在憲報公布。

...

6. Prohibition of unlicensed activities

6. 禁止無牌活動

...

(2) No person may, without a PMP (Tier 1) licence –

...

(c) describe himself or herself as a “registered professional property manager” or “註冊專業物業經理” ~~or use a title in any language that so closely resembles “registered professional property manager” or “註冊專業物業經理” as to be capable of deceiving or misleading any person into believing that the person is a licensed PMP (Tier 1).~~

(2) 任何人如無物業管理人(第 1 級)牌照，不得 –

...

(c) 將自己描述為“註冊專業物業經理”或“registered professional property manager” ~~，或使用與“註冊專業物業經理”或“registered professional property manager”極為相似以致能夠欺騙或誤導~~

任何人相信該人是持牌物業管理人(第 1 級)的名稱(不論採用任何語言)。

(3) No person may, without a PMP (Tier 2) licence –

...

(c) describe himself or herself as a “licensed property management officer” or “持牌物業管理主任” ~~or~~ use a title in any language that so closely resembles “licensed professional property management officer” or “持牌物業管理主任” as to be capable of deceiving or misleading any person into believing that the person is a licensed PMP (Tier 2).

(3) 任何人如無物業管理人(第 2 級)牌照，不得 –

...

(c) 將自己描述為“持牌物業管理主任”或“licensed property management officer” ~~or~~ ，或使用與“持牌物業管理主任”或“licensed professional property management officer”極為相似以致能夠欺騙或誤導任何人相信該人是持牌物業管理人(第 2 級)的名稱(不論採用任何語言)。

...

7. Exceptions to section 6

7. 第 6 條的例外情況

...

(2A) Section 6(1)(a), (2)(a) or (3)(a) does not prohibit a person from providing a property outside Hong Kong with property management services.

(2A) 第 6(1)(a)、(2)(a)或(3)(a)條並不禁止任何人為在香港以外的物業，提供物業管理服務。

(2B) Section 6(1)(a), (2)(a) or (3)(a) does not prohibit a person from providing advisory services relating to property management services without consideration.

(2B) 第 6(1)(a)、(2)(a)或(3)(a)條並不禁止任何人無償提供關乎物業管理服務的諮詢服務。

(3) Section Subject to subsections (4A) and (4B), section 6(1)(a), (2)(a) or (3)(a) does not prohibit the owners' organization of a property from providing the property with property management services if no property management company or property management practitioner is engaged by the organization for the purpose.

(3) 如某物業的業主組織沒有聘用物業管理公司或物業管理人提供物業管理服務，則除第(4A)及(4B)款另有規定外，第 6(1)(a)、(2)(a)或(3)(a)條並不禁止該組織為該物業提供該服務。

(4) Section Subject to subsection (4B), section 6(1)(a), (2)(a) or (3)(a) does not prohibit one or more of the owners of a property from providing the property with property management services if –

(4) 除第(4B)款另有規定外，在以下情況下，第 6(1)(a)、(2)(a)或(3)(a)條並不禁止某物業的 1 名或多於 1 名業主，為該物業提供物業管理服務 –

(4A) If the owners' organization of a property, in order to provide the property with property management services, ceases to engage a property management company or property management practitioner, subsection (3) does not apply unless the cessation is approved by a resolution passed at a general meeting of the owners' organization.

(4A) 如某物業的業主組織為向該物業提供物業管理服務，而終止聘用某物業管理公司或物業管理人，則除非在該組織的成員大會上通過決議，批准終止聘用該公司或管理人，否則第(3)款不適用。

(4B) Subsections (3) and (4) do not apply to a property that contains 1 500 or more than 1 500 flats within the meaning of section 2 of the Building Management Ordinance (Cap. 344).

(4B) 凡某物業由 1 500 個或多於 1 500 個《建築物管理條例》(第 344 章)第 2 條所界定的單位組成，第(3)及(4)款不適用於該物業。

~~(5) Section 6(1)(a), (2)(a) or (3)(a) does not prohibit a person from providing a property outside Hong Kong with property management services.~~

~~(5) 第 6(1)(a)、(2)(a)或(3)(a)條並不禁止任何人為在香港以外的物業提供物業管理服務。~~

...

10. Application for renewal of licences

10. 牌照續期申請

(1) An application for the renewal of a licence –

~~(a) must be made to the Authority in the specified form within 2 months before the expiry of the licence;~~

(a) must be made to the Authority in the specified form –

(i) for a PMC licence, within 6 to 9 months before the expiry of the licence; or

(ii) for a PMP licence, within 3 to 6 months before the expiry of the licence;

(1) 牌照的續期申請，須 –

~~(a) 在該牌照的有效期屆滿前的 2 個月內，以指明格式，向監管局提出；~~

(a) 須採用指明格式 –

(i) (如屬物業管理公司牌照)在該牌照的有效期屆滿前的 6 至 9 個月內，向監管局提出；
或

(ii) (如屬物業管理人牌照)在該牌照的有效期屆滿前的 3 至 6 個月內，向監管局提出；

...

~~(7) If the Authority decides not to renew a licence, it must, by notice in writing given to the applicant within 21 days beginning on the date on which the decision is made—~~

~~(a) notify the applicant of the decision; and~~

~~(b) give reasons for the decision.~~

~~(7) 監管局如決定不將牌照續期，須在自作出該決定的日期起計的 21 日內，藉向申請人發出書面通知—~~

~~(a) 將該決定通知申請人；及~~

~~(b) 說明作出該決定的理由。~~

...

(9) Subject to subsection (10), a licence in respect of which an application for renewal is made under this section and which, but for this subsection, would have expired before the determination of the application remains in force until the determination by the Authority of the application.

(9) 除第(10)款另有規定外，如持牌人根據本條申請將牌照續期，而該牌照若非因本款，本應在監管局對該申請作出決定前屆滿，則該牌照在該決定作出前，仍然有效。

(10) Subsection (9) does not apply if –

(a) the application is made after the period specified in subsection (1)(a)(i) or (ii);

(b) the application is withdrawn; or

(c) the licence is suspended or revoked under section 25.

(10) 在以下情況下，第(9)款不適用 –

(a) 有關申請是在第(1)(a)(i)或(ii)款所指明的期間後提出；

(b) 有關申請已撤回；或

(c) 有關牌照根據第 25 條，遭暫時吊銷或撤銷。

(11) If a licensed PMC does not apply for the renewal of the PMC's licence within the period specified in subsection (1)(a)(i), the Authority must, by notice in writing given to the owners or owners' organizations of the property for which the PMC provides property management services, inform the owners or owners' organizations of that fact.

(11) 如為某物業提供物業管理服務的持牌物業管理公司，沒有在第(1)(a)(i)款所指明的期間內，申請將物業管理公司牌照續期，監管局須藉向該物業的業主或業主組織發出書面通知，將該事通知該業主或業主組織。

(12) If an application for the renewal of a licence is made after the period specified in subsection (1)(a)(i) or (ii) but before the expiry of the licence, the Authority –

- (a) may accept the application if the Authority considers that there is a good reason for doing so; and
 - (b) may extend the validity of the licence for a period not exceeding 6 months, subject to any prescribed fees the Authority may charge and any conditions the Authority may impose.
- (12) 如牌照的續期申請，是在第(1)(a)(i)或(ii)款所指明的期間後，但在該牌照的有效期限滿前提出，監管局 –
 - (a) 如認為有充分理由，可接受該申請；及
 - (b) 在監管局徵收的費用獲繳付的前提下，及在監管局施加的條件規限下，可將該牌照的效力，延長不超過 6 個月。
- (13) If the Authority decides not to renew a licence –
 - (a) the Authority must, by notice in writing given to the applicant within 21 days beginning on the date on which the decision is made –
 - (i) notify the applicant of the decision; and
 - (ii) give reasons for the decision; and
 - (b) for a PMC licence, the Authority may extend the validity of the licence for a period not exceeding 6 months, subject to any prescribed fees the Authority may charge and any conditions the Authority may impose.”.
- (13) 如監管局決定不將牌照續期 –
 - (a) 監管局須在自作出該決定的日期起計的 21 日內 –
 - (i) 將該決定通知申請人；及
 - (ii) 說明作出該決定的理由；及
 - (b) (如屬物業管理公司牌照)在監管局徵收的費用獲繳付的前提下，及在監管局施加的條件規限下，監管局可將該牌照的效力，延長不超過 6 個月。

11. Persons suitable to hold licences for sections 9 and 10
11. 何人就第 9 及 10 條而言適合持牌

...
(2) 為施行第 9(2)(a)(i)及 10(2)(a)(i)條，在斷定某人是否屬持有物業管理公司牌照的合適人選時，監管局須顧及以下各事項 —

(a) 就個人而言 —

...

(ii) 在提出有關申請前的 5 年內，該人是否曾與其債權人訂立債務重整協議或債務償還安排；

(b) 就公司而言 —

...

(iii) 在提出有關申請前的 5 年內，該公司是否曾與其債權人訂立債務重整協議或債務償還安排；

(c) 就合夥而言 —

...

(iv) 在提出有關申請前的 5 年內，該合夥中，是否有任何合夥人曾與其債權人訂立債務重整協議或債務償還安排；

...
(4) 為施行第(2)(b)(vi)款，在斷定某公司董事是否屬與該公司提供物業管理服務業務有聯繫的合適人選時，監管局須顧及以下各事項 —

(a) 就屬個人的董事而言 —

...

(ii) 在提出有關申請前的 5 年內，該董事是否曾與其債權人訂立債務重整協議或債務償還安排；

(b) 就屬公司的董事而言 —

...

- (iii) 在提出有關的申請前的 5 年內，該董事是否曾與其債權人訂立債務重整協議或債務償還安排；

[Chinese text only]

13. Registers
13. 登記冊

...

- (2) The PMC register must, for each licensed PMC, contain

—

...

~~(h) subject to section 2 of the Rehabilitation of Offenders Ordinance (Cap. 297), the conviction record of the PMC (if any) in relation to disciplinary offences or criminal offences under this Ordinance; and~~

(h) if the PMC is a company, the conviction record of the PMC (if any) in relation to disciplinary offences or criminal offences under this Ordinance;

(ha) if the PMC is not a company, subject to section 2 of the Rehabilitation of Offenders Ordinance (Cap. 297), the conviction record of the PMC (if any) in relation to disciplinary offences or criminal offences under this Ordinance; and

- (2) 物業管理公司登記冊須就每間持牌物業管理公司載有 —

~~(h) 除《罪犯自新條例》(第 297 章)第 2 條另有規定外，該公司就違紀行為或本條例所訂的刑事罪行的定罪紀錄(如有的話)；及~~

(h) (如物業管理公司屬公司)該公司被裁定(如有的話)犯違紀行為或本條例所訂的刑事罪行的定罪紀錄；

(ha) (如物業管理公司並非公司)除《罪犯自新條例》(第 297 章)第 2 條另有規定外，該公司被裁定(如有的話)犯違紀行為或本條例所訂的刑事罪行的定罪紀錄；及

...

- (7) For subsection (5)(b), 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 record mentioned in subsection ~~(2)(h)(2)(ha)~~, (3)(e) or (4)(e).

(7) 為施行第(5)(b)款，透過互聯網或類似的電子網絡提供的物業管理公司登記冊、物業管理人(第1級)~~登記冊及登記冊或~~物業管理人(第2級)登記冊的內容，不得包括第~~(2)(h)(2)(ha)~~、(3)(e)或(4)(e)款所述的紀錄的詳情。

(8) A person may, on payment of the prescribed fee, obtain from the Authority a copy of the whole or a part of a register kept by the Authority under ~~this section subsection (2) (except paragraph (ha)), subsection (3) (except paragraph (e)) or subsection (4) (except paragraph (e))~~.

(8) 任何人在繳付訂明費用後，可從監管局取得由該局根據~~本條第(2)款((ha)段除外)、第(3)款((e)段除外)或第(4)款((e)段除外)~~備存的登記冊的整份或部分的複本。

15. Regulations for Part 3

15. 關於第3部的規例

(1) The Authority may, by regulation, prescribe –
~~(da) the fees payable for the extension of the validity of a licence under section 10(12)(b) or (13)(b);~~

(1) 監管局可藉規例，訂明 –
~~(da) 須就根據第 10(12)(b)或(13)(b)條延長牌照的效力而繳付的費用；~~

...

16. Licensed PMC's duty to provide information to clients

16. 持牌物業管理公司有責任向客戶提供資料

~~(1A) In this section –
client (客戶), in relation to a property for which a licensed PMC provides property management services, means –
(a) the owners' organization of the property; and
(b) the owners of the property who pay or are liable to pay the management expenses in respect of the services.~~

(1A) 在本條中 –

客戶 (client)就獲某持牌物業管理公司提供物業管理服務的物業而言，指 –

(a) 該物業的業主組織；及

(b) 就該服務支付或有責任就該服務支付管理費的該物業的業主。

~~(1) — A licensed PMC must prepare the prescribed information and provide the information to the PMC's clients in the prescribed manner.~~

(1) A licensed PMC must –

(a) prepare the prescribed information in respect of each property for which the PMC provides property management services; and

(b) provide the PMC's clients in each property for which the PMC provides property management services with the prescribed information relating to the property in the prescribed manners.

~~(1) — 持牌物業管理公司須擬備訂明資料，並須以訂明方式，向其客戶提供該等資料。~~

(1) 持牌物業管理公司須 –

(a) 就獲其提供物業管理服務的每一物業，準備訂明資料；及

(b) 就獲其提供物業管理服務的每一物業，以訂明方式，向其在該物業的客戶提供關於該物業的該資料。

(2) The Authority may, by regulation, prescribe the information and ~~manner~~ manners for the purposes of subsection (1).

[English text only]

(2A) The regulation may prescribe different manners for different prescribed information.

(2A) 有關規例可就不同訂明資料，訂明不同方式。

(3) The prescribed information may include any of the following information that relates to the ~~property management services provided by a licensed PMC to~~

- ~~the PMC's clients property for which a licensed PMC provides property management services –~~
- (3) ~~訂明資料可包括以下任何資料(與持牌物業管理公司向其客戶提供的物業管理服務有關關乎獲持牌物業管理公司提供物業管理服務的物業者) –~~
- (4) ~~The prescribed manners in which a licensed PMC must provide the prescribed information relating to the property for which the PMC provides property management services may include –~~
- ~~(a) sending a copy of the prescribed information to the owners' organization of the property (if any);~~
- ~~(b) displaying a copy of the prescribed information in a prominent place in the property;~~
- ~~(c) allowing the PMC's clients in the property to inspect the prescribed information;~~
- ~~(d) on request by the PMC's clients in the property and on payment of a reasonable copying fee, supplying the clients with a copy of the prescribed information.~~
- (4) 凡持牌物業管理公司為某物業提供物業管理服務，該公司提供關乎該物業的訂明資料的訂明方式，可包括
- =
- (a) 向該物業的業主組織(如有的話)，送交該資料的複本；
- (b) 在該物業內的一個顯眼處，展示該資料的複本；
- (c) 准許該公司在該物業的客戶查閱該資料；
- (d) 應該公司在該物業的客戶提出的要求，在獲付合理的複製費後，向該等客戶提供該資料的複本。

21. Power to obtain information and documents
21. 取得資料及文件的權力

- ...
- (5) The power under this section to require a person to provide information includes –
- ...
- ~~(b) if the information is stored electronically, the power to require the provision of instructions on~~

~~the operation of the equipment containing the information.~~

~~(b) if the information is stored electronically, the power to require –~~

~~(i) the provision of instructions on the operation of the equipment containing the information; and~~

~~(ii) the provision of the appropriate system for reducing the information into a written form on paper.~~

(5) 根據本條要求某人提供資料的權力，包括以下權力 –

...

~~(b) (如該資料以電子形式儲存)要求就操作載有該資料的設備，提供指導。~~

~~(b) 如資料以電子方式儲存 –~~

~~(i) 要求就操作載有資料的設備，提供指導；及~~

~~(ii) 要求提供適當的系統，以將資料轉為紙張上的書面資料。~~

(6) The power under this section to require a person to provide a document includes –

(a) if the document is provided, the power –

...

~~(ii) to require that person, or any other person who is or was an employee or partner of that person, to give an explanation of or further particulars about the document; and~~

~~(ii) to require that person, or any other person who is or was an officer (within the meaning of section 2(1) of the Companies Ordinance (Cap. 622)), employee or partner of that person, to give an explanation of or further particulars about the document; and~~

...

(6) 根據本條要求某人提供文件的權力 –

(a) 在該人提供該文件的情況下，包括以下權力 –

...

~~(ii) 要求該人(或是或曾是該人的僱員或合夥人)提供關於該文件的解釋或進一步詳情；及~~

(ii) 要求該人提供關於該文件的解釋或進一步詳情，或要求或是或曾是該人的高級人員(《公司條例》)(第 622 章)第 2(1)條所界定者)、僱員或合夥人的人提供該等解釋或詳情；及

...

24. Hearing before Authority **24. 監管局的聆訊**

- (1) The Authority has the following powers when hearing a matter under section 23 –

...

(ca) to receive and consider any material, whether by way of oral evidence, written statements, documents or otherwise, and whether or not the material would be admissible in civil or criminal proceedings;

...

- (1) 監管局在根據第 23 條聆訊事宜時，具有以下各項權力 –

(ca) 聽取和考慮任何資料(不論是透過口頭證供、書面陳述、文件或其他形式，亦不論該資料在民事或刑事法律程序中，是否可被接納為證據)；

...

- (4) After consulting the licensee and the complainant (if any), the Authority may, on application by any of the parties to the hearing, by order direct that the hearing, or any part of the hearing, be held in private.

- (4) 在諮詢持牌人及投訴人(如有的話)後，監管局可藉應聆訊任何一方的申請而作出命令，指示聆訊或其任何部分以非公開形式進行。

...

25. Disciplinary orders
25. 紀律制裁命令

- (1) If, at the conclusion of a hearing under section 23, the Authority is satisfied that the matter mentioned in section 18(1)(a)(i) or (ii) is established in respect of a licensee, the Authority may make any of the following orders against the licensee –

...

- (b) an order imposing a ~~fine~~ penalty not exceeding the amount specified in Schedule 2;

[English text only]

...

- (5) Subsection (4) applies even if –

(aa) an application has been made under subsection (6) to revoke, vary or suspend the order;

- (5) 即使屬以下情況，第(4)款仍適用 –

(aa) 有人根據第(6)款提出申請，要求撤銷、更改或暫停執行有關命令；

...

31. Self-incrimination
31. 導致自己入罪

...

- (4) Despite anything in this Ordinance, if the conditions specified in subsection (5) are satisfied, the investigator's requirement and the subject matter are not admissible in evidence against the person in criminal proceedings, other than those in which the person is charged with any of the following offences in respect of the subject matter –

(a) an offence under section 28; and

(b) an offence under Part V of the Crimes Ordinance (Cap. 200);~~;~~

~~(c) the offence of perjury.~~

- (4) 儘管本條例有任何規定，在第(5)款指明的條件獲符合的情況下，調查員的有關要求，以及主體事宜，不得在刑事法律程序中接納為針對要求對象的證據，但

如要求對象就主體事宜被控犯任何以下罪行，則就該項罪行而進行的刑事法律程序屬例外 –

- (a) 第 28 條所訂的罪行；及
- (b) 《刑事罪行條例》(第 200 章)第 V 部所訂的罪行

~~；。~~
~~(e) 作假證供罪。~~

...

36. Hearing before appeal tribunal

36. 上訴審裁小組的聆訊

- (1) An appeal tribunal has the following powers when hearing an appeal –

...

~~(d) to receive and consider any material, whether by way of oral evidence, written statements, documents or other thing, even if the material would not be admissible in civil or criminal proceedings;~~

(d) to receive and consider any material, whether by way of oral evidence, written statements, documents or otherwise, and whether or not the material would be admissible in civil or criminal proceedings;

...

- (1) 上訴審裁小組在聆訊上訴時，具有以下各項權力 –

...

~~(d) 聽取及考慮任何資料(不論是透過口頭證供、書面陳述、文件或其他東西，即使該資料在民事或刑事法律程序中不會被接納為證據亦然)；~~

(d) 聽取及考慮任何資料(不論是透過口頭證供、書面陳述、文件或其他形式，亦不論該資料在民事或刑事法律程序中，是否可被接納為證據)；

...

(3) After consulting the parties to the appeal, the chairperson of the tribunal may, on application by any of the parties, by order direct that the hearing, or any part of the hearing, be held in private.

(3) 在諮詢上訴程序各方後，上訴審裁小組主席可藉應任何一方的申請而作出命令，指示聆訊或其任何部分以非公開形式進行。

...

37. Decision of the appeal tribunal

37. 上訴審裁小組的決定

~~(1) — An appeal tribunal hearing an appeal may confirm, vary or reverse any decision, finding or order to which the appeal relates.~~

~~(1) An appeal tribunal hearing an appeal –~~

~~(a) may confirm, vary or reverse any decision, finding or order to which the appeal relates; and~~

~~(b) may make an order as to the payment of the costs and expenses incurred in relation to the hearing, whether by the tribunal, any party to the hearing, or any person attending the hearing as a witness.~~

~~(1) — 聆訊上訴的上訴審裁小組，可維持、更改或推翻該上訴所關乎的任何決定、裁斷或命令。~~

~~(1) 聆訊上訴的上訴審裁小組 –~~

~~(a) 可維持、更改或推翻該上訴所關乎的任何決定、裁斷或命令；及~~

~~(b) 可就支付因該聆訊而招致的訟費及開支(不論該訟費及開支是由該審裁小組、聆訊任何一方或任何以證人身分出席該聆訊的人招致)，作出命令~~

~~。~~

39A. Immunity

39A. 豁免權

A party, solicitor, counsel, witness or any other person who appears before an appeal tribunal at a hearing under section 34 has the same privileges and immunities as the person would have if the hearing were civil proceedings in the Court of First Instance.

聆訊的任何一方、律師、大律師、證人或任何其他根據第34 條出席上訴審裁小組聆訊的人所享有的特權及豁免權，等同於假使該聆訊是於原訟法庭進行的民事法律程序，該人便會享有的特權及豁免權。

Schedule 2 Heading

Maximum Amount of FinePenalty
[English text only]

Schedule 3 附表 3

3. 委任條款

- ...
- (2) 行政長官可決定監管局成員的委任條款(包括薪酬酬金及津貼)。
- (3) 監管局成員的薪酬酬金及津貼，由監管局的資金支付。

[Chinese text only]

6. Acting Chairperson 署理主席

If, for any period, the Chairperson is temporarily absent from Hong Kong or, for any other reason, temporarily unable to perform the functions of the office of Chairperson, ~~the Vice-chairperson—~~the Chairperson may designate the Vice-chairperson to act in the place of the Chairperson during that period.

如主席於任何期間暫時不在香港，或因任何其他原因，暫時不能執行主席的職能，則副主席須主席可指定副主席在該期間內署理主席。

9. **Quorum for meetings**
9. 會議法定人數

...

(3) The Authority must make standing orders, not inconsistent with this Ordinance, for the purposes of regulating the conduct of any meeting to which subsection (2) applies, in order to ensure that the confidentiality of the meeting, if any, is not compromised.

(3) 監管局須為規管第(2)款適用的任何會議的進行，以確保該會議的保密安排(如有的話)不受損害，訂立不抵觸本條例的常規。

13. **Written resolutions**
13. 書面決議

(1A) For the purposes of subsection (1), a resolution to which that subsection applies may be –

(a) in the form of one document; or

(b) in the form of more than one document, each in the same form and signed by one or more members of the Authority.

(1A) 為施行第(1)款，該款適用的決議可 –

(a) 採用一份文件的形式；或

(b) 採用多於一份文件的形式，而每份該等文件須採用相同的格式，並由一名或多於一名管理局成員簽署。

...

(5) If, in respect of any business being transacted by the circulation of resolutions, a request is made under subsection (3), any resolution assented to under subsection (1)(c) becomes void.

(5) 如在任何事務正藉傳閱文件處理時，有人根據第(3)款提出要求，則根據第(1)(c)款批准的任何決議，即告無效。

19. 監管局委任核數師

- (1) 監管局於本條實施的日期後，須在切實可行的範圍內，盡快委任核數師，審核審計該局的帳目報表。

...

[Chinese text only]

20. Annual report

20. 周年報告

...

- (2) The report must contain the following information in relation to that financial year –

(aa) an outline of the all hearings conducted under section 23 of this Ordinance.

- (2) 上述報告須載有關乎有關財政年度的以下資料 –

(aa) 根據本條例第 23 條進行的所有聆訊的概述；

...

22. Director of Audit's examination

22. 審計署署長的審核

...

- (3) The Director of Audit may report to the President of the Legislative Council the results of the examination, and the President of the Legislative Council must, on receiving the results, cause them to be laid on the table of the Legislative Council.

- (3) 審計署署長可就審核結果，向立法會主席提交報告，而立法會主席在收到該等審核結果後，須安排將該等審核結果提交立法會省覽。

23. Authority may establish committees

23. 監管局可設立委員會

- (1) 監管局可設立一個常設委員會，以聆訊本條例第 5 部所指的違紀紀律事宜。

[Chinese text only]

...

- (9) Subject to section 46(9) of this Ordinance and any directions that may be given by the Authority, a

committee may regulate its own procedure, including the determination of its quorum.

- (9) 在不抵觸本條例第 46(9)條及監管局所發出的任何指示下，委員會可規管其本身的程序，包括決定其會議的法定人數。

Schedule 4

附表 4

2. Application for provisional PMP licences

2. 申請臨時物業管理人牌照

...

~~(7) Sections 12 and 13 of this Ordinance, with necessary modifications, apply to the holder of a licence issued under section 1 of this Schedule as they apply to a licensed PMP.~~

~~(7) 本條例第 12 及 13 條在經必需的變通後，適用於持有根據本附表第 1 條發出的牌照的人，一如該等條文適用於持牌物業管理人。~~

...

3. Appeal in relation to provisional PMP licences

3. 關於臨時物業管理人牌照的上訴

~~(1) A person aggrieved by a decision not to issue a provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence may lodge an appeal.~~

~~(1) An applicant for a provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence who is aggrieved by a decision not to issue the licence may lodge an appeal.~~

~~(1) 任何人如因不發出臨時物業管理人(第 1 級)牌照或臨時物業管理人(第 2 級)牌照的決定而感到受屈，可提出上訴。~~

~~(1) 任何臨時物業管理人(第 1 級)牌照或臨時物業管理人(第 2 級)牌照的申請人如因不發出牌照的決定而感到受屈，可提出上訴。~~

...

3A. Provisions applicable to holders of provisional PMP licences

3A. 適用於臨時物業管理人牌照持有人的條文

The following provisions, with necessary modifications, apply to the holder of a licence issued under section 1 of this Schedule as they apply to a licensed PMP –

- (a) sections 12 and 13 of this Ordinance;
- (b) Parts 5 and 6 of this Ordinance;
- (c) section 61 of this Ordinance.

以下條文在經必需的變通後，適用於持有根據本附表第 1 條發出的牌照的人，一如該等條文適用於持牌物業管理人 –

- (a) 本條例第 12 及 13 條；
- (b) 本條例第 5 及 6 部；
- (c) 本條例第 61 條。

4. 關於附表 4 的規例

- (1) 監管局可藉規例，訂明 —
 - (a) 臨時物業管理人(第 1 級)牌照申請或或臨時物業管理人(第 2 級)牌照申請所須載有的資料，以及所須附有的文件；

[Chinese text only]

...

ENDS