

**Bills Committee on Property Management Services Bill**

**Summary of matters that would be addressed  
in the subsidiary legislation/codes of conduct/  
administrative guidelines to be issued by  
the Property Management Services Authority**

*(Position as at 27 October 2015)*

**(A) Issues and matters to be covered in subsidiary legislation**

<b>Item No.</b>	<b>Issues/matters</b>	<b>Relevant paper(s)/ meeting(s)</b>
1.	<p>There will be three sets of subsidiary legislation, to be made after the passage of the Bill on Property Management Services Bill ("the Bill"), specifying the following issues -</p> <p>(a) the service(s) within a category of services set out in Schedule 1 to the Bill as a property management service, the licensing criteria for property management companies ("PMCs") and property management practitioners ("PMPs"), the prescribed information to be provided by a licensed PMC to its clients and the relevant fees under the Bill (to be made by the Property Management Services Authority ("PMSA"));</p> <p>(b) the procedures for the hearing of appeals (to be made by the Secretary for Home Affairs ("SHA"))<sup>1</sup>; and</p> <p>(c) the amount of levy and related matters.</p>	<p>The Administration's response to issues raised at the meetings held on 12 January 2015 and 24 March 2015 (LC Paper Nos. CB(2)776/14-15(02) and CB(2)1269/14-15(02))</p>

<sup>1</sup> SHA will consider whether it is necessary to specify in the subsidiary legislation the requirements and procedures etc. in respect of disclosure of interests by a member of an appeal panel or an appeal tribunal.

**(B) Issues and matters to be covered in the codes of conduct**

<b>Item No.</b>	<b>Description</b>	<b>Relevant paper(s)/ meeting(s)</b>
1.	The professional conduct that licensees should comply with.	The Administration's response to deputations' views on the Bill (LC Paper No. CB(2)22/14-15(03))
2.	Acts or omissions that will be considered as disciplinary offences, including contravention of the requirements under the Bill, the codes of conduct as well as certain requirements under the Building Management Ordinance (Cap. 344) ("BMO") and other relevant ordinances.	Minutes of meetings held on 12 January and 9 February 2015 (LC Paper Nos. CB(2)774/14-15 and CB(2)987/14-15)
3.	The timeframe within which licensees should notify PMSA in writing, in the prescribed matters in the prescribed manner, of any change to particulars previously submitted to PMSA.	Minutes of meeting held on 27 February 2015 (LC Paper No. CB(2)1113/14-15)
4.	Requirements regarding moneys received or held by PMCs for or on account of their clients.	(please refer to para. 16 of Annex to LC Paper No. CB(2)2014/13-14(01))

**(C) Issues and matters to be covered in the administrative guidelines<sup>2</sup>**

<b>Item No.</b>	<b>Description</b>	<b>Relevant paper(s)/ meeting(s)</b>
1.	Specific requirements that PMCs should comply with in daily operation, including, (a) the proper keeping of records and documents relating to their management responsibilities and the transfer of such records and documents to the new PMC within a specified timeframe when they cease to provide service to their clients; (b) the duty of PMCs and PMPs to remind owners and/or owners' organizations ("OCs") of the legislative requirements related to building management; (c) the duty of licensees to notify PMSA of any change to particulars previously submitted to PMSA; (d) the duty of PMCs to inform their clients or prospective clients the date on which their licences are going to expire; (e) the duty of PMCs to inform their clients in case their licences were suspended, revoked or not to be renewed and; (f) specific requirements in relation to the preparation of budget, keeping of financial statements for clients, etc.	Minutes of meetings held on 9 and 27 February and 29 June 2015 (LC Paper Nos. CB(2)987/14-15, CB(2)1113/14-15 and CB(2)2052/14-15)  The Administration's response to issues raised at the meetings held on 9 and 27 February 2015 (para. 10 of LC Paper No. CB(2)1094/14-15(02))
2.	The ratio of the number of Tier 1 and Tier 2 licensed PMPs to the number of flats and area being managed.	Summary of views and concerns expressed by deputations/individual for the meeting on 23 July 2014 (LC Paper No. CB(2)22/14-15(02))  The Administration's response to deputations' views on the Bill (LC

<sup>2</sup> As advised by the Administration, compliance with certain administrative guidelines issued by PMSA (e.g. items no. 1 and 2) will be one of the licensing conditions of PMCs/PMPs. Failure to comply with such administrative guidelines will therefore be contravention of the licensing conditions, which is subject to disciplinary action in accordance with clause 4(b).

Item No.	Description	Relevant paper(s)/ meeting(s)
		Paper No. CB(2)22/14-15(03))
3.	Report to PMSA of any suspected violating acts (including any unreasonable requests by OCs involving contravention of the requirements under BMO, the Bill and the codes of conduct). PMSA shall take such report into account in considering any complaints against the licensed PMC concerned.	The Administration's response to issues raised at the meeting held on 12 January 2015 (LC Paper No. CB(2)776/14-15(02))
4.	Complaints handling procedures, covering, inter alia, what constitutes a reasonable timeframe for the provision of information or document required by the investigator and how to set the time and place at which the information or document is to be provided.	Minutes of meeting held on 24 March 2015 (LC Paper No. CB(2)1361/14-15)
5.	Eligibility criteria of an investigator, the requirements on confidentiality in respect of the information and documents obtained by an investigator as well as avoidance of conflict of interests of investigators, and PMSA's policy and procedure for retention and destruction of information obtained through investigation etc.	The Administration's response to issues raised at the meeting held on 24 March 2015 (LC Paper No. CB(2)1269/14-15(02))
6.	Service pledge regarding the timeframe for the hearing of appeals.	Minutes of meeting held on 24 March 2015 (LC Paper No. CB(2)1361/14-15)
7.	Types of matters to be heard before PMSA or the disciplinary committee and how the hearings were to be conducted.	Minutes of meeting held on 21 April 2015 (LC Paper No. CB(2)1577/14-15)

<b>Item No.</b>	<b>Description</b>	<b>Relevant paper(s)/ meeting(s)</b>
8.	Assessment criteria and mechanism to be adopted by PMSA for obtaining a PMP licence.	Minutes of meeting held on 21 April 2015 (LC Paper No. CB(2)1577/14-15)

Council Business Division 2  
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