

**Bills Committee on
Property Management Services Bill**

**List of follow-up actions arising from the discussion
at the meeting on 10 November 2015**

1. The Bills Committee requested the Administration to provide a response in writing to the discussion draft of Committee stage amendments ("CSAs") proposed by Hon WU Chi-wai, Deputy Chairman of the Bills Committee, which was tabled at the meeting (see LC Paper No. CB(2)245/15-16(01)).
2. The Bills Committee requested the Administration to consider the following comments/observations raised by members and the Legal Adviser to the Bills Committee on the draft CSAs proposed by the Administration -
 - (a) in the newly proposed Clauses 6(2)(c) and (3)(c), the term "title" is used in the English text and the term "名稱" in the Chinese text. The Administration was suggested to consider using "稱銜"、"職稱" or "名銜" as the Chinese rendition of the term "title" in order to avoid any misunderstanding of the meaning of the term "名稱" in Chinese in relation to personal name;
 - (b) regarding the newly proposed Clause 7(4A), concerns were raised that -
 - (i) while the Building Management Ordinance (Cap. 344) stipulated the requirements for convening a general meeting by an owners' corporation ("OC") and the requirement on the percentage of owners' shares for passing a resolution at the general meeting of an OC, there might not be well-defined rules and procedures for other types of owners' organizations in respect of the holding of a general meeting and the passage of a resolution at a general meeting. The Administration was requested to consider whether there was a need to specify in the Bill the minimum percentage of owners' shares required for passing a resolution to cease to engage a PMC or PMP at a general meeting of the owners' organization which did not have any rules and procedures on convening a general meeting and making a decision or passing a resolution at the general meeting;

- (ii) the terms of "ceases to engage a property management company or property management practitioner" ("終止聘用某物業管理公司或物業管理人") and "cessation" ("終止聘用") might refer to different situations under which the owners' organization resolved to cease to engage a PMC or PMP. For instance, the owners' organization might decide to terminate an existing service agreement with a PMC before the expiry of the agreement or when the agreement expired and then to engage another PMC to manage the property. The Administration was suggested to consider the need to change the term "終止聘用" to "以後不再聘用", so as to make it clear that the newly proposed Clause 7(4A) was made for the purpose of regulating those owner's organizations that decided to switch from engaging a PMC or PMP to "self-management";
- (c) section 20 of Schedule 3 was made to require the annual report of the Property Services Management Authority ("PMSA") to contain an outline of all hearings conducted under Clause 23. Hon Alan LEONG suggested that the Administration should further study whether the Bill could specify the content of the outline, so as to make it clear that the outline should serve the purpose of providing useful reference (such as reasons for the determinations) to relevant parties including owners, PMCs and PMPs; and
- (d) the newly proposed section 22 of Schedule 3 stipulated that "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". Members noted that under Rule 21 of the Rules of Procedure of the Legislative Council, the Director of Audit was one of the designated public officers to present papers to the Council. The Administration was requested to consider amending the Clause such that the Director of Audit may directly present the results of the examination to the Legislative Council.

3. The Administration undertook to report to the Bills Committee regarding the question of whether Clause 31 on "self-incrimination" should be applicable to the hearings of PMSA, disciplinary committee and appeal tribunal.