

For Discussion
On 24 June 2019

**LEGISLATIVE COUNCIL
PANEL ON HOME AFFAIRS**

**Licensing Regime for Property Management Companies and
Property Management Practitioners**

Introduction

This paper briefs Members of the Legislative Council Panel on Home Affairs on the licensing regime for property management companies (PMCs) and property management practitioners (PMPs) proposed by the Property Management Services Authority (the Authority), including the main provisions of the relevant subsidiary legislation being drafted under the Property Management Services Ordinance (Cap. 626) (PMSO).

Background

2. The Authority is a body corporate established under section 42(1) of the PMSO. One of its principal functions is to regulate and control the provision of property management services by the licensing of PMCs and PMPs. Since its establishment, the Authority has been, through continuous dialogue with relevant parties to hear their views and to better understand the mode of operation of the industry, actively formulating details of a practicable licensing regime that will benefit both the industry and the society.

3. On 13 and 19 October 2017, the Authority held two focus group meetings to gauge the views of the industry to facilitate setting the preliminary direction of the licensing regime. From 15 June to 17 July 2018, the Authority conducted another industry consultation with a view to formulating more detailed directions of the regime.

Public Consultation

4. After the two rounds of industry consultation and taking into account the views received, on 21 November 2018, the Authority issued to the public a consultation paper with preliminary details for the licensing regime. For soliciting views from targeted stakeholder groups, in addition to a press release of the even date, the Authority specifically sent letters to trade bodies, district councils, owners' corporations, tertiary and relevant educational institutions for the purpose.

5. To encourage discussions by various sectors of the community, the Authority collected views from industry bodies, trade unions, organisations, councillors, owners' corporations and people from different sectors through various

channels, including attending the meeting of the Chairmen and Vice-chairmen of the 18 District Councils, meetings with district councils, and meetings with different stakeholders such as industry groups, trade unions, organisations, associations and councillors.

6. To respond as quickly as possible to the concerns raised by stakeholders during the consultation period, the Authority issued a press release¹ on 17 December 2018, and the Home Affairs Department also wrote² to owners' corporations, to explain some of the contents of the consultation paper to dispel unnecessary misunderstandings and doubts.

7. In order to give the public more time to submit written comments on the consultation paper, the Authority extended the consultation period from 2 January 2019 to 18 January 2019. A total of 9,482 written submissions, of which 77% had the same or extremely similar contents, were received via mail, fax or email during the consultation period and thereafter until 12 March 2019. Comments came from various stakeholders such as Legislative Council members, District Council members, owners' corporations, professional bodies, PMCs and PMPs. Moreover, the Authority also received 287 telephone or written enquiries regarding the licensing regime and related matters.

Summary of Public Comments

8. After detailed analysis of the submissions received, the Authority considered that most of the comments were caused by differences in the understanding of the contents of the consultation paper. In this regard, the Authority has already provided clarifications or explanations in the draft subsidiary legislation and will also provide such when drafting related codes, such as how to define the different categories of property management services and who must hold a PMP licence in a PMC.

9. After completing the public consultation, the Authority has optimised the proposed licensing regime (see paragraphs 10 to 24 below). In order to explain clearly the major proposals to stakeholders, the Authority has released the latest information³ on the licensing regime to the media and on the Authority's website since 20 May 2019, and actively liaised with stakeholders. As at 11 June 2019, the Authority has met and exchanged views with 15 industry bodies, 4 trade unions and 14 different organisations, associations, councillors and other stakeholders (details at **Annex 1**). Stakeholders generally responded positively.

¹ The press release can be found at the link

https://www.pmsahk.org.hk/en/information/pressrelease/pressrelease_20181217_1.html

² The letter from the Home Affairs Department can be found at the link

https://www.pmsahk.org.hk/files/licensing/Eng-Pages%20from%20Reply_OC%20clean_bilingual-Issue-2.pdf

³ The latest information on the licensing regime can be found at the link

<https://www.pmsahk.org.hk/en/licensing/consultation.html>

Proposed Licensing Regime for PMCs and PMPs

10. The PMSO provides for a single-tier licensing regime of PMCs. Business entities providing more than one category of services are required to hold a licence. For PMPs, the PMSO provides for a two-tier licensing regime, namely PMP (Tier 1) and (Tier 2) licences. An individual who assumes a key managerial or supervisory role in a PMC in relation to the property management services provided by the PMC must hold a PMP licence, whereas other PMC staff members are not required to hold a PMP licence.

Property management services

11. The property management services prescribed in the draft subsidiary legislation are as follows:

Category 1: General management services relating to a property

General services relating to property management provided pursuant to a deed of mutual covenant (but excluding those property management services under categories 2 to 7) for owners, residents, tenants, users or visitors

Category 2: Management of the environment of a property

Services for the cleaning, hygiene, landscaping or safety of the environment of a property

Category 3: Repair, maintenance and improvement of a property

Services for the repair, replacement, maintenance or improvement of a property including the structure and building services installation

Category 4: Finance and asset management relating to a property

Services for the budgeting, or management of finance, accounts or asset relating to a property

Category 5: Facility management relating to a property

Services for the management of ancillary facilities in a property (but excluding those property management services under category 3)

Category 6: Human resources management relating to personnel involved in the management of a property

Human resources management services in relation to individuals engaged by an owner or owners' organisation in the provision of property management services

Category 7: Legal services relating to the management of a property

Legal services, generally referring to the provision of information and advice on the legal aspects, in respect of property management services under categories 1 to 6. Such services do not include services provided in the course of practising the profession by a solicitor or counsel or any person employed by the solicitor or counsel and acting in furtherance of that course.

12. To avoid doubt, the duties and obligations performed by an owner or owners' organisation pursuant to the Building Management Ordinance (Cap. 344) are not property management services.

13. Moreover, property management services incidental to the provision of property management services under a category of services are regarded as property management services under that category only.

Criteria for applying for a PMC licence or PMP licence

14. Criteria for applying for a PMC licence are as follows:

- (a) There is a licensed PMP (Tier 1) who has effective control of the provision of property management services by the PMC; and
- (b) The PMC is required to engage on a full-time basis the number of licensed PMP in accordance with the specified ratios proportional to the total number of flats of all properties under its management. The proposed ratios are at least one licensed PMP (Tier 1) for every 3,000 flats or below **and** at least one licensed PMP (Tier 2) for every 1,500 flats or below.

15. Criteria for applying for a PMP licence are as follows:

PMP (Tier 1) Licence	Route 1	Route 2
Academic qualifications	Degree or equivalent academic qualification in property management specified by the Authority	Other degree or equivalent academic qualification
Local experience in property management	Within the six years immediately before licence application, at least three years of local experience in property management recognised by the Authority	Within the eight years immediately before licence application, at least five years of local experience in property management recognised by the Authority
Professional qualifications	Member of property management professional bodies recognised by the Authority	

PMP (Tier 2) Licence	Route 1	Route 2	Route 3
Academic qualifications	Associate degree, diploma or equivalent academic qualification in property management specified by the Authority	Degree or equivalent academic qualification	Other associate degree, diploma or equivalent academic qualification, or equivalent qualification
Local experience in property management	Within the five years immediately before licence application, at least two years of local experience in property management recognised by the Authority; or	Within the eight years immediately before licence application, at least four years of local experience in property management recognised by the Authority	
	Within the four years immediately before licence application, at least one year of local work experience in property management (under the supervision of PMP (Tier 1)) recognised by the Authority		

Transitional arrangements

16. The first three years after the implementation of the licensing regime will be the transition period. During the transition period, the Authority will not require PMCs and PMPs to be licensed in order to allow sufficient time to facilitate the industry's adaption to the new regime. A PMP who does not meet the requirements for academic qualifications and/or professional qualifications but possesses the specified managerial or supervisory experience may apply for and be issued a **provisional licence** during the transition period with a validity period up to three years. Upon completion of a specified course within the validity period of the provisional licence, the licensee may apply for a formal licence. A person who meets the criteria for applying for a provisional PMP licence must possess the specified managerial or supervisory experience as follows:

- (a) An applicant for a provisional PMP (Tier 1) licence must have within the 15 years immediately before the commencement of the transition period at least a total of ten years of experience in assuming a managerial or supervisory role in local property management services as recognised by the Authority.
- (b) An applicant for a provisional PMP (Tier 2) licence must have within the eight years immediately before the commencement of the transition period at least a total of five years of experience in assuming a managerial or

supervisory role in local property management services as recognised by the Authority.

17. After the three-year transition period, any business entity carrying on the business of providing more than one category of property management services must hold a PMC licence, and any individual assuming a key managerial or supervisory role in a licensed PMC must hold a PMP licence.

Conditions imposed on licences issued

18. A licensed PMC must comply with the following conditions imposed on the licence:

- (a) continue to be a suitable person to hold the licence;
- (b) continue to meet the criteria for holding the licence;
- (c) have a copy of the licence displayed in a prominent place in each property under the licensee's management;
- (d) appoint a licensed PMP (Tier 1) to manage each property under the licensee's management and have the name and licence number of the person so appointed displayed in a prominent place in each such property;
- (e) have the name of the licensee and licence number clearly and conspicuously stated on any letter, account, receipt, pamphlet, brochure, advertisement and other documents issued in whatever form by or on behalf of the licensee;
- (f) submit to the Authority, within the period of time specified by the Authority, the information and documents which the Authority may from time to time specify; and
- (g) not carry on the business of providing property management services under a name other than the name of the licensee stated on the PMC licence.

19. A licensed PMP (including a holder of provisional licence) must comply with the following conditions imposed on the licence:

- (a) continue to be a suitable person to hold the licence/provisional licence;
- (b) continue to meet the criteria for holding the licence/provisional licence;
- (c) complete the number of hours of attendance or participation, which the Authority may from time to time specify, of continuing professional development courses or activities which the Authority may from time to time recognise or specify;
- (d) have the name of the licensee and licence number displayed in a prominent place in the property under the licensee's management;
- (e) have the name of the licensee and licence/provisional licence number clearly and conspicuously stated on any name card, letter, account, receipt, pamphlet,

- brochure, advertisement and other documents issued in whatever form by or on behalf of the licensee; and
- (f) submit to the Authority, within the period of time specified by the Authority, the information and documents which the Authority may from time to time specify.

Registers

20. The Authority is required to maintain registers of the PMCs, PMP (Tier 1) and PMP (Tier 2) at its office and the Internet for free access by the public. Each register shall contain the information specified in the PMSO and any other particulars that the Authority considers appropriate.

Provision of information to clients by a licensed PMC

21. The information to be provided by a licensed PMC to its clients is as follows:

- (a) Information relating to conflict of interest
The prescribed information is, to the best of the knowledge and belief of the PMC, information concerning conflict of interests between the PMC and the PMC's clients.
- (b) Contracts and documents relating to property management
Information in the contracts entered into for or on behalf of the PMC's clients in respect of the supply of goods or services and in other documents relating to the management of the property which the Authority may from time to time specify.

22. The manners of provision of the information by a licensed PMC to its clients are as follows:

- (a) Sending a copy of the relevant information to the owners' organisation (if any) of the property as soon as reasonably practicable; or
- (b) Displaying a copy of the information in a prominent place in the property as soon as reasonably practicable; and
- (c) Providing a copy of the relevant information within 31 days after receipt of a request by the PMC's clients and payment of a reasonable copying fee.

Fees

23. The fees are as follows:

Item	Proposed Fee
(a) Application fee (new issuance and renewal of licence) (i) PMC licence (ii) PMP (Tier 1) licence (iii) PMP (Tier 2) licence	 (i) \$500 (ii) \$100 ⁴ (iii) \$100 ⁴
(b) Annual licence fee for PMC licence (new issuance and renewal of licence)	\$6,000
(c) Annual licence fee for PMP licence (new issuance and renewal of licence) (i) PMP (Tier 1) licence (ii) PMP (Tier 2) licence	 (i) \$1,200 ⁴ (ii) \$400 ⁴
(d) Fee for extension of licence validity (not exceeding 6 months)	Calculated on a pro rata basis of the annual fee
(e) Fee for copies (copies of the whole or a part of the register, or copies of other documents)	A fixed administrative fee of \$100 for each request, and \$2 per A4 page and \$4 per A3 page.
(f) Replacement of licence (due to loss or damage)	\$300
(g) Amendment of particulars on a licence (including company name, business name and personal name)	\$300

Other requirements

24. Details on the information and documents required for an application, and changes of the matters that a licensee is required to notify the Authority and manners of notification are at **Annex 2**.

⁴ The fee is applicable to a provisional PMP licence.

Way Forward

25. The Authority is drafting the Property Management Services (Licensing and Related Matters) Regulation (details at **Annex 3**) as well as the framework for the relevant codes and guidelines. It intends to submit the draft subsidiary legislation to the Legislative Council for negative vetting as soon as possible. The Regulation will come into operation on 31 January 2020 after vetting by the Legislative Council.

Advice Sought

26. Members are invited to provide views on the proposed licensing regime for PMCs and PMPs.

Property Management Services Authority
June 2019

**Meeting records of the Authority and stakeholders
from 20 May to 11 June 2019**

Professional Bodies

Name of Professional Bodies	Meeting held between 20 May and 11 June 2019
The Hong Kong Institute of Surveyors	✓
The Hong Kong Institute of Facility Management	✓
The Hong Kong Institute of Housing	✓
Housing Managers Registration Board	✓
The Chartered Institute of Housing Asian Pacific	✓
Royal Institution of Chartered Surveyors	✓
The Hong Kong Association of Property Management Companies	✓
The Federation of Hong Kong Property Management Industry Limited	✓
Hong Kong Institute of Property Managers	✓
Hong Kong Institute of Real Estate Administrators	✓
Hong Kong Institute of Certified Property Managers	✓
The Hong Kong Association of Property Services Agents	✓
The Hong Kong Construction Association	✓
Building Services Operation and Maintenance Executives Society	✓
International Facility Management Association Hong Kong Chapter	✓
Total:	15

Trade Unions

Name of Trade Unions	Meeting held between 20 May and 11 June 2019
The Hong Kong Federation of Trade Unions	✓
The Hong Kong General Union of Security & Property Management Industry Employees	✓
Property Management Administrative and Clerical Staff Association	✓
Service Industry General Union	✓
Total:	4

Other Stakeholders

Name of Stakeholders	Meeting held between 20 May and 11 June 2019 (Numbers met)
Hong Kong Housing Society	✓
Qualifications Framework (QF) Secretariat	✓
Consumer Council	✓
Environmental Services Contractors Alliance (Hong Kong)	✓
The Law Society of Hong Kong	Note (a)
Chamber of Security Industry	✓
Owners' corporations	✓(4)
Industry representatives	✓(3)
Political parties and Legislative Council members	✓ (2) Note (b)
District Councils or their representatives	Note (b)
Total	14

Notes:

- (a) Exchanged correspondence and meeting will be arranged as necessary.
- (b) Meeting being arranged.

**Licensing Regime for Property Management Companies and
Property Management Practitioners**
**Information and documents relating to application for a licence, and notification
of changes to the Authority**

Information and documents required for application

1. The information and documents required for an application for a PMC licence are such information and documents as specified in the relevant licence application form specified by the Authority, for example, a valid business registration certificate and a certificate of incorporation.
2. The information and documents required for an application for a PMP licence are such information and documents as specified in the relevant licence application form specified by the Authority, for example, an identity document and relevant experience in property management.

Changes of the matters that must be notified by a licensee to the Authority

3. Manners of notification concerning any change of the matters that must be notified by a licensee to the Authority are as follows:
 - (a) notify the Authority of the change in a specified form with relevant supporting documents (if applicable); and
 - (b) notify the Authority in writing of the change within 31 days after the change takes place.
4. The matters that must be notified by a licensed PMC to the Authority are as follows:
 - (a) Changes of the particulars of a licensee provided in the licence application form (for example, any change of the holder of PMP (Tier 1) licence who is appointed by a PMC as a responsible person for the property management services of the PMC); and
 - (b) Changes of the information relating to the licensee's compliance of the licensing criteria and conditions imposed on the licence.

5. The matters that must be notified by a licensed PMP to the Authority are as follows:

- (a) Changes of the particulars of a licensee provided in the licence application form; and
- (b) Changes of the information relating to the licensee's compliance of the licensing criteria and conditions imposed on the licence.

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[Draft]

《物業管理服務（發牌及相關事宜）規例》

**Property Management Services
(Licensing and Related Matters) Regulation
(Cap. 626 sub. leg. B)**

（第 626 章，附屬法例 B）

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《物業管理服務（發牌及相關事宜）規例》

（第 626 章第 3(1)、15(1)、16(3)、17(2)、47(8)條及
附表 4 第 5(1)條）

1. 生效日期

本規例由 2020 年 1 月 31 日起實施。

2. 物業管理服務

訂明的物業管理服務列於附表 1 第 3 欄。

3. 費用

附表 2 第 2 欄所列事項的訂明費用列於第 3 欄中與其相對的位置。

4. 申請牌照及臨時物業管理人牌照及為牌照續期所須的資料和文件

申請牌照、臨時物業管理人（第 1 級）牌照及臨時物業管理人（第 2 級）牌照及為牌照續期時須包含的資料及隨附的文件為監管局指明的相關牌照申請表格內指明的資料及文件。

[Draft]

Property Management Services (Licensing and Related Matters) Regulation

(Cap. 626, sections 3(1), 15(1), 16(3), 17(2), 47(8) and
section 5(1) of Schedule 4)

1. Commencement

This Regulation comes into operation on 31 January 2020.

2. Property management services

The prescribed property management services are set out in the third column of Schedule 1.

3. Fees

The fee set out in the third column of Schedule 2 is prescribed for the matter set out in the second column opposite to it.

4. Information and documents for application for licences and provisional PMP licences, and for renewal of licences

The information to be contained in, and the documents to accompany, an application for a licence, a provisional PMP (Tier 1) licence and a provisional PMP (Tier 2) licence, and for the renewal of a licence, are such information and documents as specified in the relevant licence application form specified by the Authority.

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5. 持有物業管理公司牌照須符合的準則

持有物業管理公司牌照的人須符合的準則為——

- (a) 該人聘用或是一名有實際控制該人所提供的物業管理服務的持牌物業管理人（第 1 級）；及
- (b) 該人符合監管局不時指明的最低持牌人人手比例。

6. 持有物業管理人（第 1 級）牌照須符合的準則

(1) 在本條中——

認可專業團體（recognized professional body）指監管局不時認可的專業團體。

(2) 持有物業管理人（第 1 級）牌照的人須符合的準則為——

- (a) 該人——
 - (i) 在緊接物業管理人（第 1 級）牌照申請日期前的 3 年內持有臨時物業管理人（第 1 級）牌照；及

[Draft]

5. Criteria for holding PMC licences

The criteria for holding a PMC licence by a person are—

- (a) the person engages or is a licensed PMP (Tier 1) who has effective control of the provision of property management services by the person; and
- (b) the person meets the minimum licensee-manning ratios which the Authority may from time to time specify.

6. Criteria for holding PMP (Tier 1) licences

(1) In this section—

recognized professional body（認可專業團體）means a professional body which the Authority may from time to time recognize.

(2) The criteria for holding a PMP (Tier 1) licence by a person are—

- (a) the person—
 - (i) has held a provisional PMP (Tier 1) licence within the 3 years immediately before the date of the application for the PMP (Tier 1) licence; and

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- (ii) 在該臨時物業管理人(第1級)牌照的有效
期屆滿前完成一個監管局指明的課程；或
- (b) 該人——
 - (i) 是認可專業團體的會員，及如該認可專業
團體有不同級別、類別或組別(包括以其他
方式的描述)的會籍，該人亦是監管局不時
指明的級別、類別及組別的會員；
 - (ii) 持有——
 - (A) 一個監管局不時指明的科目或學科的
學士或以上的學位，或監管局視為同
等的學歷；或
 - (B) 一個學士或以上的學位，或監管局視
為同等的學歷；及
 - (iii) 具有就位於香港以內的物業由監管局不時
指明的物業管理經驗；或

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- (ii) has, before the expiry of the provisional PMP
(Tier 1) licence, completed a course specified
by the Authority; or
- (b) the person—
 - (i) is a member of a recognized professional body,
and if the recognized professional body has
different classes, types or divisions of
membership (including those described in
other manners), the person is also a member of
the class, type and division which the
Authority may from time to time specify;
 - (ii) holds—
 - (A) a bachelor or higher degree or an
academic qualification regarded by the
Authority as equivalent, in a subject or
discipline which the Authority may from
time to time specify; or
 - (B) a bachelor or higher degree or an
academic qualification regarded by the
Authority as equivalent; and
 - (iii) has the experience, which the Authority may
from time to time specify, in property
management for properties in Hong Kong; or

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(c) 該人——

- (i) 是認可專業團體的會員，及如該認可專業團體有不同級別、類別或組別的會籍（包括以其他方式的描述），該人亦是監管局不時指明的級別、類別及組別的會員；及
 - (ii) 在緊接物業管理人（第 1 級）牌照申請日期前的 3 年內持有物業管理人（第 1 級）牌照；或
- (d) 該人在緊接物業管理人（第 1 級）牌照申請日期前的 3 年內持有物業管理人（第 1 級）牌照，而該牌照是根據第（a）段或本段發出的。

7. 持有物業管理人（第 2 級）牌照須符合的準則

持有物業管理人（第 2 級）牌照的人須符合的準則為——

(a) 該人——

- (i) 在緊接物業管理人（第 2 級）牌照申請日期前的 3 年內持有臨時物業管理人（第 1 級）牌照或臨時物業管理人（第 2 級）牌照；及

[Draft]

(c) the person—

- (i) is a member of a recognized professional body, and if the recognized professional body has different classes, types or divisions of membership (including those described in other manners), the person is also a member of the class, type and division which the Authority may from time to time specify; and
 - (ii) has, within the 3 years immediately before the date of the application for the PMP (Tier 1) licence, held a PMP (Tier 1) licence; or
- (d) the person has, within the 3 years immediately before the date of the application for the PMP (Tier 1) licence, held a PMP (Tier 1) licence which was issued under paragraph (a) or this paragraph.

7. Criteria for holding PMP (Tier 2) licences

The criteria for holding a PMP (Tier 2) licence by a person are—

(a) the person—

- (i) has, within the 3 years immediately before the date of the application for the PMP (Tier 2) licence, held a provisional PMP (Tier 1)

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- (ii) 在該臨時物業管理人(第1級)牌照或臨時物業管理人(第2級)牌照的有效期限屆滿前完成一個監管局指明的課程；或
- (b) 該人——
 - (i) 持有——
 - (A) 一個監管局不時指明的科目或學科的副學士學位或文憑或以上的學歷，或監管局視為同等的學歷；
 - (B) 一個學士或以上的學位，或監管局視為同等的學歷；或
 - (C) 一個副學士學位或文憑或以上的學歷，或監管局視為同等的學歷，或監管局認為可接受的任何資歷；及
 - (ii) 具有就位於香港以內的物業由監管局不時指明的物業管理經驗；或

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- licence or provisional PMP (Tier 2) licence; and
- (ii) has, before the expiry of the provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence, completed a course specified by the Authority; or
- (b) the person—
 - (i) holds—
 - (A) an associate degree or diploma or above or an academic qualification regarded by the Authority as equivalent, in a subject or discipline which the Authority may from time to time specify;
 - (B) a bachelor or higher degree or an academic qualification regarded by the Authority as equivalent; or
 - (C) an associate degree or diploma or above or an academic qualification regarded by the Authority as equivalent or any qualification that is considered acceptable by the Authority; and
 - (ii) has the experience, which the Authority may from time to time specify, in property

〔草擬〕

- (c) 該人在緊接物業管理人(第2級)牌照申請日期前的3年內持有物業管理人(第1級)牌照或物業管理人(第2級)牌照。

8. 持有臨時物業管理人牌照須符合的準則

持有臨時物業管理人(第1級)牌照或臨時物業管理人(第2級)牌照的人須符合的準則為該人具有就位於香港以內的物業由監管局不時指明在提供物業管理服務所擔任的管理或監督角色的經驗。

9. 補發牌照

如監管局信納任何牌照已遺失、被盜、損壞或毀壞，在收到附表2所列的費用後，監管局可向持牌人發出補發牌照。

10. 修改牌照上的詳情

在收到附表2所列的費用及監管局所須的任何證據後，監管局可應持牌人的要求，修改牌照上的任何詳情。

[Draft]

management for properties in Hong Kong; or

- (c) the person has, within the 3 years immediately before the date of the application for the PMP (Tier 2) licence, held a PMP (Tier 1) licence or a PMP (Tier 2) licence.

8. Criteria for holding provisional PMP licences

The criterion for holding a provisional PMP (Tier 1) licence or a provisional PMP (Tier 2) licence by a person is that the person has the experience, which the Authority may from time to time specify, in assuming a managerial or supervisory role in the provision of property management services for properties in Hong Kong.

9. Replacement of licences

On receipt of payment of the fee set out in Schedule 2, the Authority may issue a replacement licence to a licensee if the Authority is satisfied that the licence has been lost, stolen, damaged or destroyed.

10. Amendment of particulars on licences

On receipt of payment of the fee set out in Schedule 2 and any evidence as the Authority may require, the Authority may upon the request of a licensee amend any particulars on a licence.

〔草擬〕

11. 施加於物業管理公司牌照的條件

就物業管理公司牌照施加的條件為持牌人必須——

- (a) 繼續是持有牌照的合適人選；
- (b) 繼續符合持有牌照的準則；
- (c) 在持牌人管理的每個物業的顯眼處展示牌照的複本；
- (d) 委任一名持牌物業管理人（第 1 級）以管理持牌人管理的每個物業，並在每個物業的顯眼處展示獲委任人士的姓名及牌照號碼；
- (e) 在持牌人或代表持牌人以任何形式發出的任何信件、帳目、收據、單張、小冊子、廣告及其他文件上，清楚明顯地註明持牌人的姓名或名稱及牌照號碼；
- (f) 在監管局指明的期間內，向監管局提交其不時指明的資料及文件；及

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11. Conditions imposed on PMC licences

The conditions imposed on a PMC licence are that the licensee must—

- (a) continue to be a suitable person to hold the licence;
- (b) continue to meet the criteria for holding the licence;
- (c) have a copy of the licence displayed in a prominent place in each property under the licensee's management;
- (d) appoint a licensed PMP (Tier 1) to manage each property under the licensee's management and have the name and licence number of the person so appointed displayed in a prominent place in each such property;
- (e) have the name of the licensee and licence number clearly and conspicuously stated on any letter, account, receipt, pamphlet, brochure, advertisement and other documents issued in whatever form by or on behalf of the licensee;
- (f) submit to the Authority, within the period of time specified by the Authority, the information and documents which the Authority may from time to time specify; and

〔草擬〕

- (g) 不得以物業管理公司牌照所註明的持牌人姓名或名稱以外的姓名或名稱經營提供物業管理服務的業務。

12. 施加於物業管理人（第 1 級）牌照或物業管理人（第 2 級）牌照的條件

就物業管理人（第 1 級）牌照或物業管理人（第 2 級）牌照施加的條件為持牌人必須——

- (a) 繼續是持有牌照的合適人選；
- (b) 繼續符合持有牌照的準則；
- (c) 就監管局不時認可或指明的持續專業發展課程或活動，完成監管局不時指明的出席或參與時數；
- (d) 在持牌人所管理的物業的顯眼處展示持牌人的姓名及牌照號碼；
- (e) 在持牌人或代表持牌人以任何形式發出的任何名片、信件、帳目、收據、單張、小冊子、廣告及其他文件上，清楚明顯地註明持牌人的姓名及牌照號碼；及

[Draft]

- (g) not carry on the business of providing property management services under a name other than the name of the licensee stated on the PMC licence.

12. Conditions imposed on PMP (Tier 1) licences or PMP (Tier 2) licences

The conditions imposed on a PMP (Tier 1) licence or a PMP (Tier 2) licence are that the licensee must—

- (a) continue to be a suitable person to hold the licence;
- (b) continue to meet the criteria for holding the licence;
- (c) complete the number of hours of attendance or participation, which the Authority may from time to time specify, of continuing professional development courses or activities which the Authority may from time to time recognize or specify;
- (d) have the name of the licensee and licence number displayed in a prominent place in the property under the licensee's management;
- (e) have the name of the licensee and licence number clearly and conspicuously stated on any name card, letter, account, receipt, pamphlet, brochure,

〔草擬〕

- (f) 在監管局指明的期間內，向監管局提交其不時指明的資料及文件。

13. 施加於臨時物業管理人牌照的條件

就臨時物業管理人（第 1 級）牌照或臨時物業管理人（第 2 級）牌照（**臨時物業管理人牌照**）施加的條件為臨時物業管理人牌照的持有人必須——

- (a) 繼續是持有臨時物業管理人牌照的合適人選；
- (b) 繼續符合持有臨時物業管理人牌照的準則；
- (c) 就監管局不時認可或指明的持續專業發展課程或活動，完成監管局不時指明的出席或參與時數；
- (d) 在持有人所管理的物業的顯眼處展示持有人的姓名及臨時物業管理人牌照號碼；

[Draft]

advertisement and other documents issued in whatever form by or on behalf of the licensee; and

- (f) submit to the Authority, within the period of time specified by the Authority, the information and documents which the Authority may from time to time specify.

13. Conditions imposed on provisional PMP licences

The conditions imposed on a provisional PMP (Tier 1) licence or a provisional PMP (Tier 2) licence (**provisional PMP licence**) are that a holder of a provisional PMP licence must—

- (a) continue to be a suitable person to hold the provisional PMP licence;
- (b) continue to meet the criteria for holding the provisional PMP licence;
- (c) complete the number of hours of attendance or participation, which the Authority may from time to time specify, of continuing professional development courses or activities which the Authority may from time to time recognize or specify;
- (d) have the name of the holder and the provisional PMP licence number displayed in a prominent place

〔草擬〕

- (e) 在持有人或代表持有人以任何形式發出的任何名片、信件、帳目、收據、單張、小冊子、廣告及其他文件上，清楚明顯地註明持有人的姓名及臨時物業管理人牌照號碼；及
- (f) 在監管局指明的期間內，向監管局提交其不時指明的資料及文件。

14. 持牌物業管理公司須向客戶提供的資料

附表 3 訂明持牌物業管理公司須向客戶提供的資料及提供該等資料的方式。

15. 事宜變更的通知

附表 4 訂明持牌人須通知監管局的事宜變更及通知的方式。

[Draft]

- in the property under the holder's management;
- (e) have the name of the holder and the provisional PMP licence number clearly and conspicuously stated on any name card, letter, account, receipt, pamphlet, brochure, advertisement and other documents issued in whatever form by or on behalf of the holder; and
- (f) submit to the Authority, within the period of time specified by the Authority, the information and documents which the Authority may from time to time specify.

14. Provision of information to clients by licensed PMC

The information that must be provided by a licensed PMC to its clients and the manner of providing such information are those that are prescribed in Schedule 3.

15. Notification of changes of matters

Any change in the matters that must be notified by a licensee to the Authority and the manner of notification are those that are prescribed in Schedule 4.

〔草擬〕

附表 1

[第 2 條]

物業管理服務

在符合本附表第(1)及(2)條的情況下，第 3 欄所列的物業管理服務是就第 2 欄所列的服務類別而訂明的——

- (1) 業主或業主組織以《建築物管理條例》(第 344 章)為依據而履行的職責及責任，並非物業管理服務。
- (2) 為提供本附表第 2 欄所列的服務類別之物業管理服務所附帶及必要的物業管理服務，會被視為只屬於該類別的物業管理服務。

[Draft]

Schedule 1

[s.2]

Property Management Services

Subject to sections (1) and (2) of this Schedule, the property management services set out in the third column are prescribed with reference to the categories of services set out in the second column—

- (1) The duties and obligations performed by an owner or owners' organization pursuant to the Building Management Ordinance (Cap. 344) are not property management services.
- (2) Property management services incidental to and necessary for the provision of the property management services under a category of services in the second column of this Schedule are regarded as property management services under that category only.

[草擬]

項	服務類別	物業管理服務
1.	關乎物業的一般管理服務	按大廈公契為業主、住戶、租戶、用戶或訪客所提供與物業管理有關的一般服務(但不包括本附表第 1 欄內的第 2 至 7 項的物業管理服務)
2.	物業所處環境的管理	物業環境的清潔、衛生、園景或安全服務
3.	物業的維修、保養及改善	就物業包括結構及屋宇裝備的修葺、更換、保養或改善服務
4.	關乎物業的財務及資產管理	與物業有關的財政預算、財務管理、賬目管理或資產管理服務

[Draft]

Item	Category of services	Property management services
1.	General management services relating to a property	General services relating to property management provided pursuant to a deed of mutual covenant (but excluding those property management services corresponding to items 2 to 7 in the first column of this Schedule) for owners, residents, tenants, users or visitors
2.	Management of the environment of a property	Services for the cleaning, hygiene, landscaping or safety of the environment of a property
3.	Repair, maintenance and improvement of a property	Services for the repair, replacement, maintenance or improvement of a property including the structure and building services installation
4.	Finance and asset management	Services for the budgeting, or management of finance, accounts or asset relating to a

〔草擬〕

項	服務類別	物業管理服務
5.	關乎物業的設施管理	管理物業的附屬設施服務(但不包括本附表第 1 欄內的第 3 項的物業管理服務)
6.	關乎物業管理所涉的人員的人力資源管理	就業主或業主組織就提供物業管理服務聘用的個人的個人人力資源管理服務

[Draft]

Item	Category of services relating to a property	Property management services
5.	Facility management relating to a property	Services for the management of ancillary facilities in a property (but excluding those property management services corresponding to item 3 in the first column of this Schedule)
6.	Human resources management relating to personnel involved in the management of a property	Human resources management services in relation to individuals engaged by an owner or owners' organisation in the provision of property management services

〔草擬〕

項	服務類別	物業管理服務
7.	關乎物業管理的法律服務	法律服務泛指一般就有關本附表第 1 欄內的第 1 至 6 項的物業管理服務所提供的法律方面的資訊及意見。此等服務並不包括由律師或大律師在執業過程中所提供的服務，或其僱用的任何人為推展該過程而提供的服務。

[Draft]

Item	Category of services	Property management services
7.	Legal services relating to the management of a property	Legal services, generally referring to the provision of information and advice on the legal aspects, in respect of property management services corresponding to items 1 to 6 in the first column of this Schedule. Such services do not include services provided in the course of practising the profession by a solicitor or counsel or any person employed by the solicitor or counsel and acting in furtherance of that course.

〔草擬〕

[Draft]

附表 2

[第 3 條]

Schedule 2

[s.3]

費用

Fees

項	收費事項	費用 \$
1.	申請費用	
	(a) 發出牌照或續期	
	(i) 物業管理公司牌照	500
	(ii) 物業管理人（第 1 級）牌照	100
	(iii) 物業管理人（第 2 級）牌照	100
	(b) 發出牌照	
	(i) 臨時物業管理人（第 1 級）牌照	100
	(ii) 臨時物業管理人（第 2 級）牌照	100
2.	每年牌費	
	(a) 發出牌照或續期	
	(i) 物業管理公司牌照	6,000
	(ii) 物業管理人（第 1 級）牌照	1,200
	(iii) 物業管理人（第 2 級）牌照	400
	(b) 發出牌照	
	(i) 臨時物業管理人（第 1 級）牌照	1,200
	(ii) 臨時物業管理人（第 2 級）牌照	400

Item	Matter for which the fee is payable	Fee \$
1.	Application fee	
	(a) Issue or renewal of a licence	
	(i) PMC licence	500
	(ii) PMP (Tier 1) licence	100
	(iii) PMP (Tier 2) licence	100
	(b) Issue of a licence	
	(i) Provisional PMP (Tier 1) licence	100
	(ii) Provisional PMP (Tier 2) licence	100
2.	Annual licence fee	
	(a) Issue or renewal of a licence	
	(i) PMC licence	6,000
	(ii) PMP (Tier 1) licence	1,200
	(iii) PMP (Tier 2) licence	400
	(b) Issue of a licence	
	(i) Provisional PMP (Tier 1) licence	1,200
	(ii) Provisional PMP (Tier 2) licence	400

〔草擬〕

項	收費事項	費用 \$
	(c) 凡獲發出或續期的牌照的有效期少於36個月	按比例每月計算（不足一個月亦作一個月計算）
3.	延長牌照的有效期而繳付的費用	按比例每月計算（不足一個月亦作一個月計算）
4.	複製文件費用（適用於登記冊或其他文件）	100（每次要 求）、 2（每頁 A4） 及 4（每頁 A3）
5.	補發牌照	300
6.	修改牌照的詳情	300

[Draft]

Item	Matter for which the fee is payable	Fee \$
	(c) Where a licence is issued or renewed for a period of less than 36 months	Calculated on a pro rata monthly basis (part of a month shall be reckoned as a month)
3.	Fee for extension of licence validity	Calculated on a pro rata monthly basis (part of a month shall be reckoned as a month)
4.	Fee for copies (of the register or other documents)	100 (for each request), 2 (per A4 page) and 4 (per A3 page)
5.	Replacement licence	300
6.	Amendment of particulars on a licence	300

〔草擬〕

附表 3

[第 14 條]

持牌物業管理公司須向客戶提供的資料

凡持牌物業管理公司為某物業提供物業管理服務，該公司須向客戶提供的資料及提供該等資料的方式為——

(1) 利益衝突

(a) 在該公司盡其所知及所信的情況下，訂明的資料為該公司與該物業的客戶之間利益衝突的資料。

(b) 訂明的提供方式是：

(i) (A) 在合理地切實可行的範圍內盡快將訂明資料的複本送交該物業的業主組織；
或

(B) 在合理地切實可行的範圍內盡快在該物業內的一個顯眼處，展示該資料的複本；及

(ii) 在收到該物業的客戶要求及其繳付合理複製費後的 31 天內，向該等客戶提供訂明資料的

[Draft]

Schedule 3

[s.14]

Provision of information to clients by licensed PMC

Information relating to a property for which a licensed PMC provides property management services that must be provided by the PMC to the PMC's clients and the manner of provision of such information are—

(1) Conflict of interest

(a) The prescribed information is, to the best of the knowledge and belief of the PMC, information concerning conflict of interests between the PMC and the PMC's clients.

(b) The prescribed manner of provision is:

(i) (A) as soon as reasonably practicable, sending a copy of the prescribed information to the owners' organization of the property; or

(B) as soon as reasonably practicable, displaying a copy of the prescribed information in a prominent place in the property; and

(ii) within 31 days after receipt of a request by the PMC's clients and payment of a reasonable

〔草擬〕

複本。

(2) 與物業管理有關的合同和文件

- (a) 訂明的資料是為該物業的客戶或代表該等客戶就貨品或服務供應而訂立的合約所包含的資料，以及監管局不時指明的與管理該物業相關的其他文件所包含的資料。
- (b) 訂明的提供方式是：
 - (i) (A) 在合理地切實可行的範圍內盡快將訂明資料的複本送交該物業的業主組織；或
 - (B) 在合理地切實可行的範圍內盡快在該物業內的一個顯眼處，展示該資料的複本；及
 - (ii) 在收到該物業的客戶要求及繳付合理複製費後的 31 天內，向該等客戶提供訂明資料的複本。

[Draft]

copying fee, supplying the PMC's clients with a copy of the prescribed information.

(2) Contracts and documents relating to property management

- (a) The prescribed information is information in the contracts entered into for or on behalf of the PMC's clients in respect of the supply of goods or services and in other documents relating to the management of the property which the Authority may from time to time specify.
- (b) The prescribed manner of provision is:
 - (i) (A) as soon as reasonably practicable, sending a copy of the prescribed information to the owners' organization of the property; or
 - (B) as soon as reasonably practicable, displaying a copy of the prescribed information in a prominent place in the property; and
 - (ii) within 31 days after receipt of a request by the PMC's clients and payment of a reasonable copying fee, supplying the PMC's clients with a copy of the prescribed information.

〔草擬〕

附表 4 [第 15 條]
變更通知

持牌人須就下列事宜的變更，在變更發生後的 31 天內，以監管局指明的表格及隨附監管局不時指明的相關證明文件書面通知監管局——

- (a) 在牌照申請表格內提供的詳情；及
- (b) 與遵守持牌準則及牌照施加的條件相關的資料。

[Draft]

Schedule 4 [s.15]
Notification of changes

Any change of the following matters must be notified by a licensee, within 31 days after the change takes place, to the Authority in writing in the forms specified by the Authority and accompanied by the supporting documents which the Authority may from time to time specify—

- (a) the particulars provided in the licence application form; and
- (b) the information relating to the compliance of the licensing criteria and conditions imposed on the licence.

〔草擬〕

註釋

1. 本規例載有 15 條及 4 個附表。
2. 本規例訂明——
 - (a) 本條例附表 1 所列的 7 個服務類別下的物業管理服務；
 - (b) 申請各類牌照時須包含的資料及隨附的文件；
 - (c) 持有牌照及臨時物業管理人牌照的準則；
 - (d) 施加於牌照及臨時物業管理人牌照的條件；
 - (e) 各類牌照及其他文件的應付費用；
 - (f) 持牌物業管理公司須向其客戶提供的資料及提供該等資料的方式；及
 - (g) 持牌人必須就任何變更以書面通知監管局的事宜及方式。

[Draft]

Explanatory note

1. This Regulation contains 15 sections and 4 schedules.
2. This Regulation prescribes—
 - (a) the property management services under the 7 categories of services set out in Schedule 1 to the Ordinance;
 - (b) the information to be contained in and the documents accompanying an application for the respective licences;
 - (c) the criteria for holding a licence and provisional PMP licence;
 - (d) the conditions imposed on a licence and provisional PMP licence;
 - (e) the fees payable for the respective licences and other documents;
 - (f) the information to be provided by a licensed PMC to its clients and the manners for such provision; and
 - (g) the matters and manner for which a licensee must notify the Authority in writing of any change.