

Distribution and Display of Promotional Material

Code of Conduct

Code No.: C17/2023



Preamble ● ● ●

The following code of conduct (“Code”) is issued by the Property Management Services Authority (“PMSA”) pursuant to section 5 of the Property Management Services Ordinance (“PMSO”) and contains practical guidance for the purposes of section 4 of the PMSO (disciplinary offences). Although a licensee¹ does not incur a legal liability only because the licensee has contravened a provision of the Code, the Code is admissible in evidence in disciplinary hearings, and proof that a licensee contravened or did not contravene the relevant provision of the Code may be relied on as tending to establish or negate a matter that is in issue in the hearings.

A licensed property management company (“Licensed PMC”) may, in respect of property for which property management services (“PMSs”) are provided by it, from time to time handle request from owners, other persons, corporate bodies or organisations to distribute / display promotional material in the property. The PMSA has formulated the Code to provide practical guidance to licensed PMCs on handling distribution or display of promotional material².

Establishing a mechanism for handling distribution / display of promotional material

- Code:** A(1) A licensed PMC has to, for the property in respect of which PMSs are provided by it, establish a proper mechanism to handle distribution / display of promotional material. The mechanism shall include the following elements:
- formulation of procedures and guidelines;
 - handling of applications for distribution / display of promotional material;

¹ The term “licensee” means the holder of the following licence: a PMC licence; a PMP (Tier 1) licence; a PMP (Tier 2) licence; a provisional PMP (Tier 1) licence; or a provisional PMP (Tier 2) licence.

² For the avoidance of doubt, “promotional material” in this Code of Conduct includes every form of promotion such as printed and/or electronic version of publications, leaflets, posters, bills, notices, words, exhibits, messages, pictures, videos, recordings, etc.



- execution of distribution / display of promotional material;
- removal of promotional material / restricting unauthorised distribution / display of promotional material; and
- record keeping.

A(2) When a licensed PMC formulates and implements the procedures and guidelines regarding distribution / display of promotional material, it has to pay attention to relevant regulations as stipulated in the laws of the Hong Kong Special Administrative Region, including “the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region” (hereinafter called “HKSAR National Security Law”) and other applicable laws. If a licensed PMC has reasons to believe that the content of the promotional material may contravene “the HKSAR National Security Law”³ or other applicable laws which may lead to / constitute an offence of endangering national security or harmful to national security, it shall reject the concerned application (of such distribution / display) and remove the concerned promotional material immediately (if being displayed), and as far as reasonably practicable cease distribution and notify relevant enforcement agencies and record the matter.

Formulation of procedures and guidelines

Code: B(1) A licensed PMC, for the property in respect of which PMSs are provided by it, has to:

- (a) formulate procedures and guidelines by itself (if there is no owners’ organisation⁴) on the handling of distribution / display of promotional material;
- (b) agree on procedures and guidelines⁵ on the handling of distribution / display of promotional material with the owners’ organisation (if any);

³ For details of the “HKSAR National Security Law”, please visit <https://www.gld.gov.hk/egazette/pdf/20202444e/cs220202444136.pdf>

⁴ The term “owners’ organisation” has the same meaning as defined by section 2 of the PMSO i.e. “in relation to a property, means an organisation (whether or not formed under the Building Management Ordinance (Cap. 344) (BMO) or a deed of mutual covenant) that is authorised to act on behalf of all the owners of the property”.

⁵ The agreement or guidelines should not affect the work of a licensed PMC as the manager to carry out its duties pursuant to the BMO or the deed of mutual covenant of the respective property. The term “manager” has the same meaning as that defined by section 34D of the BMO.



- (c) if the owners' organisation (if any) formulates procedures and guidelines on handling of distribution / display of promotional material by itself, the licensed PMC has to remind the owners' organisation to abide by the guidelines of the Code in handling the matter; and
- (d) the procedures and guidelines have to include the distribution / display of promotional material relating to election (including whether the distribution / display of promotional material relating to election⁶ is allowed).

⁶ For the avoidance of doubt, in respect of Code B(1), election refers to the election of the Chief Executive, Election Committee Subsector, Legislative Council, District Council; an election as defined from time to time under the Rural Representative Election Ordinance (Cap. 576); and the relevant by-election.

If there is any inconsistency between the Chinese version and the English version of this Code, the Chinese version shall prevail.



Related Best Practice Guide

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