

PROPERTY MANAGEMENT SERVICES AUTHORITY

Code of Conduct

Complaint Handling Mechanism of Property Management Companies

Code No.: C2/2021

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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 (Cap. 626) (“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.

Complaint procedures and systems

Code: A(1) A licensed property management company (“Licensed PMC”) has to, taking into account the actual circumstances, establish an effective complaint ² handling mechanism (“Mechanism”) for handling client ³ complaints in respect of the property for which property management services (“PMSs”) are provided by it.

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 A Licensed PMC is not required to follow the Code if it reasonably believes that a person has only made an enquiry or provided opinion or information, but has not made a complaint. A complaint may be lodged by a named or an anonymous person and such a person includes a client or a visitor of the relevant property. Complaints may be lodged through different ways, including complaint made verbally, by telephone, fax or email, etc. If a Licensed PMC reasonably believes that the identity of a complainant cannot be ascertained through the information the complainant has provided, it may deal with the complaint as if it were an anonymous complaint.

³ Distinct from the definition of “Client” under section 16 of the PMSO, the term “client” as used in this Code, in relation to a property for which a Licensed PMC provides property management services, means - (a) the owners’ organization of the property; (b) the owners of the property who pay or are liable to pay the management expenses in respect of the services; and (c) the tenants.

- A(2) The Licensed PMC has to display the content of the Mechanism in a prominent place in the concerned property so as to enable its clients (and relevant persons) to note the relevant information.
- A(3) The Mechanism, as mentioned in paragraph A(1) of the Code, shall include the following elements:
- (a) The procedure for handling complaints;
 - (b) The person responsible for complaint handling (see paragraph B(1) of the Code);
 - (c) Personal information collection statement;
 - (d) Recording of complaints upon receipt;
 - (e) Proper handling of complaints;
 - (f) Timely notifying the complainant in respect of the complaint progress and result; and
 - (g) Proper retention of complaint record.

Appointing a person-in-charge to supervise the handling of complaints

Code: B(1) A Licensed PMC has to appoint a licensed property management practitioner (“Licensed PMP”) to supervise the handling of complaints (“Person-in-Charge”), and display the name, licence number and telephone number and/or email address of the Person-in-Charge in a prominent place in the property.

Acknowledging receipt of and recording complaints

Code: C(1) Subject to paragraph E(3) of the Code, upon receipt of a complaint, the Licensed PMC has to, as soon as reasonably practicable, promptly record the complaint in an appropriate manner that enables effective identification of the case (e.g., by assigning a case number), and has to acknowledge receipt of the complaint to the complainant in an effective manner.

C(2) The Licensed PMC has to ensure that the following information is recorded in the complaint record: the name of the complainant (if provided); brief facts about the complaint and the date on which the complaint is recorded.

Handling complaints properly

Code: D(1) Upon receipt of a complaint, a Licensed PMC has to, as soon as reasonably practicable, carry out follow-up action in accordance with the Mechanism. However, a Licensed PMC may not deal with an anonymous complaint⁴.

D(2) Subject to paragraph E(3) of the Code, if the nature of complaint falls outside the scope of matters that can be handled by the Licensed PMC (e.g., the person under complaint is not a staff member of the Licensed PMC, or the matter of complaint is outside the scope of the PMSs provided by the Licensed PMC or the matter of complaint concerns a violation of laws or regulations other than the PMSO), the Licensed PMC has to, depending on the actual circumstances and with the complainant's consent (if applicable), timely refer the complaint to the relevant person, organization (e.g., the property's management committee or owners' committee), or law enforcement agencies, or advise the complainant to contact the relevant person, organization, or law enforcement agencies directly.

D(3) The Licensed PMC shall, as soon as reasonably practicable, verify the relevant information of a complaint to ensure the accuracy and reliability of the collected information, in order to handle the complaint effectively.

Notifying complainant of complaint progress and result timely

Code: E(1) A Licensed PMC has to timely notify the complainant the progress of handling the complaint.

E(2) Upon completion of complaint handling, the Licensed PMC has to notify the complainant of the result. Depending on the actual circumstances and needs, the Licensed PMC has to also explain to the complainant the reasons for the result (if applicable) and provide information pertaining to the follow-up action(s) taken (if any).

⁴ Although a Licensed PMC may not deal with an anonymous complaint, it is still required to record such a complaint in the complaint register in accordance with paragraph C(1) of the Code.

E(3) If the complainant is not a client related to the property managed by the Licensed PMC, the Licensed PMC may consider not contacting or notifying the complainant in accordance with the guidelines set out in paragraphs C(1), D(2), E(1) and E(2) of the Code. However, the Licensed PMC still has to act in accordance with other guidelines of the Code.

Proper keeping of complaint record and providing complaint information

Code: F(1) A Licensed PMC has to keep all relevant complaint information⁵ and documents properly for not less than 3 years commencing from the date of receipt of a complaint (irrespective of whether the complaint is established or not). A Licensed PMC has to, upon written request (if any) made by the owners' organization, provide yearly statistical information on complaints (including the nature of complaints, the sub-total and total number of complaints) to the owners' organization.

— END —

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

If there are any amendments to any laws or regulations mentioned in this Code, licensees have to act in accordance with the revised provisions.

⁵ Relevant information includes records of oral or telephone communication with complainants.