

Prevention of Corruption – Staff Recruitment and Management

Best Practice Guide

Code No.: **G16/2023**



PROPERTY MANAGEMENT SERVICES AUTHORITY

Best Practice Guide on Prevention of Corruption – Staff Recruitment and Management

Guide No.: G16/2023

Effective Date: 28 April 2023

Preamble

For the purpose of enabling licensees¹ to comply more effectively and professionally with the guidelines set out in the code of conduct² entitled “Prevention of Corruption – Staff Recruitment and Management” (Code No.: C16/2023) (“Code”) issued by the Property Management Services Authority (“PMSA”) on 28th April 2023, the PMSA provides relevant guidelines in this best practice guide (“Guide”) pursuant to section 44³ of the Property Management Services Ordinance (“PMSO”) (Cap. 626). While licensees are encouraged to use their best endeavours to follow the Guide, failure to comply with the Guide will, however, not be regarded as a disciplinary offence referred to in section 4 of the PMSO.

Background

2. In order to carry out its regular management duties, a licensed property management company (“licensed PMC”) will arrange its employees or directly engage service contractors (e.g. cleansing or security services) to provide property management services (“PMSs”); or on behalf of the owners’ organisation⁴ (if any) engage service contractors (e.g. cleansing or security services) and be responsible for monitoring their performance. A licensed PMC should refer to the relevant legislation (e.g. the Employment Ordinance (Cap. 57), the Immigration Ordinance (Cap. 115)) when employing staff to carry out the above duties in order to prevent corruption (see the main regulations in paragraphs 2.1 – 2.2).

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 With regard to the code of conduct containing practical guidance issued by the PMSA under section 5 of the PMSO for the purpose of section 4 of the PMSO (disciplinary offences), although a licensee does not incur a legal liability only because the licensee has contravened a provision of the code of conduct, the code of conduct is admissible in evidence in disciplinary hearings, and proof that a licensee contravened or did not contravene the relevant provision of the code of conduct may be relied on as tending to establish or negate a matter that is in issue in the hearings.

³ Section 44 of the PMSO provides: “The Authority may do anything it considers appropriate for it to do for, or in relation to, the performance of its functions”.

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”.

2.1 Employment Ordinance

- Wages shall be paid by the employer as soon as is practicable but in any case not later than 7 days after the expiry of the last day of the wage period⁵.
- Every employee who has been in employment under a continuous contract for not less than 12 months shall be entitled to paid annual leave⁶.
- Employees have a right to be granted not less than 1 rest day in every period of 7 days⁷.

2.2 Immigration Ordinance

- Any person who is the employer of an employee who is not lawfully employable commits an offence⁸.
- Any person who is the holder of an identity card, passport or any document of proof of identity recognised by the Immigration Department without any condition of stay restricting or prohibiting him/her from taking employment is considered a lawfully employable person⁹.

Establishing a mechanism for handling staff employment and management

Code: A(1) A licensed PMC has to, in respect of the property for which PMSs are provided by it, establish a proper human resources management mechanism to handle staff¹⁰ employment and management matters. The mechanism has to comply with the relevant and main staff employment regulations (see paragraphs 2.1 – 2.2) and include the following elements:

- designating person(s) responsible for supervising or handling staff recruitment matters;
- formulating the basic entry requirements for staff of various ranks;
- recruitment procedures and assessment framework;
- staff attendance and supervision;

⁵ According to section 23 of the Employment Ordinance (Cap. 57), “Wages shall become due on the expiry of the last day of the wage period and shall be paid as soon as is practicable but in any case not later than 7 days thereafter.”

⁶ In accordance with section 41AA of the Employment Ordinance (Cap. 57).

⁷ In accordance with section 17(1) of the Employment Ordinance (Cap. 57), “Subject to the provisions of this Part, every employee who has been employed by the same employer under a continuous contract shall be granted not less than 1 rest day in every period of 7 days.”

⁸ In accordance with section 17I of the Immigration Ordinance (Cap. 115).

⁹ In accordance with section 17G(2) of the Immigration Ordinance (Cap. 115).

¹⁰ The term “staff” refers to workers employed by a PMC or directly employed by the owners’ organisation, or those provided by service contractors (e.g. cleansing or security services) engaged by a PMC/appointed by the owners’ organisation.

- disbursement of wages;
- staff appraisal; and
- disciplinary action / termination of staff employment.

Code: A(2) Regarding the human resources management matters described in paragraph A(1) of the Code, if the concerned staff are employed directly by the owners' organisation (if any) of the property, a licensed PMC has to notify the owners' organisation about the legal requirement in paragraphs 2.1 – 2.2 above and remind it to abide by such regulations.

Guide

a(1) A licensed PMC has to establish a proper human resources management mechanism in accordance with paragraph A(1) of the Code to handle staff employment and management matters. The mechanism shall include the elements set out in the Code, and in accordance with actual circumstances, should include other appropriate elements and be updated timely.

Supervising or handling staff recruitment matters

Code: B(1) A licensed PMC has to, in respect of the property for which PMSs are provided by it, appoint suitable person(s) responsible for supervising or handling recruitment and appraisal matters for staff of various ranks.

Code: B(2) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC has to remind the owners' organisation that it has to appoint suitable person(s) responsible for supervising or handling recruitment and appraisal matters for staff of various ranks.

Guide

b(1) A licensed PMC should request persons in substance involved in staff recruitment (e.g. persons responsible for selection, interview or recruitment assessment) to declare, if any, conflict of interest, actual or potential, in respect of the applicant (e.g. the applicant is a family member) (see sample at **Annex 1**). Subsequent to such declaration made by the abovementioned person(s), a licensed PMC has to, so far as reasonably practicable, ask the abovementioned person(s) to refrain from participating in the recruitment process so as to mitigate any risks arising from the conflict of interest.

- b(2) If the abovementioned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC should remind the owners' organisation about the requirement set out in paragraph b(1) of the Guide.

Formulating the basic entry requirements for staff of various ranks

Code: C(1) A licensed PMC has to, in respect of the property for which PMSs are provided by it, draw up the application requirement (e.g. academic qualifications, professional qualifications, skills and work experience, etc.) and the terms on remuneration and benefits, etc. before conducting staff recruitment.

Code: C(2) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC has to remind the owners' organisation to comply with the requirement set out in paragraph C(1) of the Code.

Guide

- c(1) A licensed PMC should set the criteria for remuneration and related benefits regarding each rank or position, and fix an employee's remuneration and benefits based on considerations such as his/her qualification, work experience, expertise and market salary range, etc.
- c(2) A licensed PMC may refer to the relevant guidelines¹¹ on staff management in the Building Management Toolkit issued by the Independent Commission Against Corruption, the Home Affairs Department, the Hong Kong Housing Society et al. to draw up the criteria referred to in paragraph c(1) of this Guide;
- c(3) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC should remind the owners' organisation about the requirement set out in paragraphs c(1) – c(2) of the Guide.

Recruitment procedures and assessment framework

Code: D(1) A licensed PMC has to, in respect of the property for which PMSs are provided by it, draw up the procedures for staff recruitment.

¹¹ The guidelines are based on the relevant paragraphs in Section 8.3 "Recruitment of Staff" of the Building Management Toolkit (https://cpas.icac.hk/UploadImages/InfoFile/cate_43/2019/280eaeaa-d72a-4b9c-be2f-37fb305c86ec.pdf).

Code: D(2) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC has to remind the owners' organisation to comply with paragraph D(1) of the Code.

Guide

- d(1) To comply with the requirement stipulated in paragraph D(1) of the Code, a licensed PMC should, when drawing up the staff recruitment procedures, cover the method to publicise job vacancies, the documents required for application, and the deadline for application, etc. and should also formulate an assessment framework which covers the mode of assessment (e.g. interview, written test), fair and objective selection and assessment criteria, and make appropriate record and properly keep the relevant record for a reasonable period of time to allow for necessary follow-up.
- d(2) To increase transparency and prevent charging introduction / referral / reservation fees in staff recruitment¹², a licensed PMC should, so far as reasonably practicable, place the job advertisement through newspapers or organisation/ company website, or through other media (e.g. Job Vacancy Processing Centre of the Labour Department). The job advertisement should stipulate the job duties and nature, application requirement and other relevant information¹³.
- d(3) A licensed PMC should document all the applications received, and within a reasonable period of time, keep the application record properly for review when necessary.
- d(4) A licensed PMC should select applicants for interview according to the set criteria.
- d(5) A licensed PMC should, so far as reasonably practicable, prepare assessment forms which set out in detail the assessment items according to the set criteria (see sample at **Annex 2**). Should there be any special circumstances where assessment of applicants other than by scoring be adopted, the assessment process should be properly documented, covering the factors for consideration, comments of individual assessor(s), how to make the recruitment decision, etc.

¹² Please refer to *Property Management Corruption Prevention Red Flags* (https://cpas.icac.hk/EN/info/lib_list?cate_id=3&id=2637).

¹³ Please refer to the relevant paragraphs in Section 8.3 "Recruitment of Staff" of the Building Management Toolkit (https://cpas.icac.hk/UploadImages/InfoFile/cate_43/2019/280eaeaa-d72a-4b9c-be2f-37fb305c86ec.pdf).

- d(6) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC should remind the owners' organisation about the requirement set out in paragraphs d(1) – d(5) of the Guide.

Staff attendance and supervision

Code: E(1) A licensed PMC has to, in respect of the property for which PMSs are provided by it, establish a system based on actual needs to record staff attendance (e.g. use of log book, card/electronic access control system, etc.).

Code: E(2) A licensed PMC has to adopt appropriate measures to monitor and prevent unauthorised amendment of or false staff attendance record (e.g. storing the log book in places monitored by supervisors; the CCTV system (if installed) should cover the area where staff are required to sign for their attendance) to ensure accuracy of the staff attendance record.

Code: E(3) A licensed PMC has to assign work fairly according to the relevant contract terms¹⁴ and work out the criteria and scenario for staff working overtime, especially for security work which must comply with the Security and Guarding Services Ordinance (Cap. 460).

Code: E(4) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC has to remind the owners' organisation to comply with paragraphs E(1) – E(3) of the Code.

Guide

- e(1) A licensed PMC should check regularly the staff attendance record and the actual attendance situation, and follow up on abnormalities detected timely (e.g. regular late attendance or absence without reasonable cause) and make proper record.

¹⁴ Please refer to the relevant paragraphs in Section 8.3 "Recruitment of Staff" of the Building Management Toolkit (https://cpas.icac.hk/UploadImages/InfoFile/cate_43/2019/280eaeaa-d72a-4b9c-be2f-37fb305c86ec.pdf).

- e(2) A licensed PMC should forbid staff from signing in/out on behalf of others to prevent forgery of record.
- e(3) A licensed PMC should formulate compensation policies for staff working overtime (e.g. providing compensation leave or fixed overtime allowance calculated on a pro rata basis). Under general situation, prior approval from the supervisor should be sought for carrying out overtime work and proper record should be made.
- e(4) A licensed PMC may refer to the relevant guidelines¹⁵ on staff management in the Building Management Toolkit to deal with matters covered in paragraphs e(1) – e(3) of this Guide.
- e(5) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC should remind the owners' organisation about the requirement set out in paragraphs e(1) – e(4) of this Guide.

Disbursement of wages

Code: F(1) A licensed PMC has to, in respect of the property for which PMSs are provided by it, disburse wages timely in accordance with the employment contract of the employee(s) concerned and the attendance record, and make appropriate record.

Code: F(2) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC has to remind the owners' organisation to comply with paragraph F(1) of the Code.

Guide

- f(1) A licensed PMC should appoint a suitable person to be responsible for checking staff attendance and overtime work record in order to disburse the correct amount of wages.
- f(2) A licensed PMC should, so far as reasonably practicable, disburse employee's wages through employee's wages through bank autopay or crossed cheque and

¹⁵ The guidelines are based on the relevant paragraphs in Section 8.4 "Staff Attendance and Supervision" of the Building Management Toolkit (https://cpas.icac.hk/UploadImages/InfoFile/cate_43/2019/280eaeaa-d72a-4b9c-be2f-37fb305c86ec.pdf).

avoid payment by cash, and maintain proper record for a reasonable period of time for review.

- f(3) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC should remind the owners' organisation to abide by paragraphs f(1) – f(2) of this Guide.

Staff appraisal

Code: G(1) A licensed PMC has to, in respect of the property for which PMSs are provided by it, draw up in advance the scope and criteria for appraisal on various ranks of staff and notify the staff of such criteria.

Code: G(2) A licensed PMC has to keep the personal data and appraisal report of the staff properly in order to protect personal data.

Code: G(3) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC has to remind the owners' organisation to comply with paragraphs G(1) – G(2) of the Code and assist the owners' organisation in drawing up the scope and criteria for appraisal.

Guide

- g(1) A licensed PMC should, so far as reasonably practicable:
- (a) conduct staff appraisal in writing at least once a year;
 - (b) establish channels to handle appeal made by staff in respect of the appraisal;
 - (c) follow up appropriately on staff with poor performance (e.g. issuance of verbal / written warning or termination of employment);
 - (d) make use of the staff appraisal for consideration of promotion, pay rise or the making of financial reward (if applicable);
 - (e) refer to the relevant guidelines¹⁶ on staff management in the Building

¹⁶ The guidelines are based on the relevant paragraphs in Section 8.6 "Appraisal of Staff Performance" of the Building Management Toolkit (https://cpas.icac.hk/UploadImages/InfoFile/cate_43/2019/280eaeaa-d72a-4b9c-be2f-37fb305c86ec.pdf).

Management Toolkit to deal with matters referred to in paragraphs g(1)(a)-(d) of the Guide; and

- (f) keep in a locked device personal data and appraisal record which may only be examined by designated persons.

g(2) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC should remind the owners' organisation to comply with paragraphs g(1)(a)-(f) of this Guide.

Disciplinary action / termination of staff employment

Code: H(1) A licensed PMC has to, in respect of the property for which PMSs are provided by it, draw up the disciplinary action to be taken (including termination of employment) and the relevant procedures concerning staff misconduct or breaches, and notify the staff where appropriate and reasonable.

Code: H(2) A licensed PMC has to keep properly record of disciplinary action taken / termination of employment.

Code: H(3) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC has to remind the owners' organisation to abide by paragraphs H(1) – H(2) of the Code.

Guide

- h(1) When drawing up the criteria on termination of employment, a licensed PMC should consider whether the concerned staff have been involved in the following:
- (a) deliberately disobeying lawful and reasonable work order;
 - (b) misbehaviour;
 - (c) conviction arising from fraud or dishonesty (e.g. corruption); or
 - (d) frequent negligence of duty.

h(2) A licensed PMC should:

- (a) devise measures to ensure fair and consistent disciplinary action and procedure are to be adopted;
- (b) keep in a locked device or computer with a preset password the record of disciplinary action taken / termination of employment of staff which may only be examined by persons responsible; and
- (c) refer to the relevant guidelines¹⁷ on staff management in the Building Management Toolkit to deal with matters referred to in paragraphs h(1)(a)-(d) and h(2)(a) of the Guide.

h(3) If the concerned staff are employed directly by the owners' organisation (if any) of the property, the licensed PMC should remind the owners' organisation to comply with paragraphs h(1)(a)-(d) and h(2)(a)-(c) of the Guide.

- End -

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

¹⁷ The guidelines are based on the relevant paragraphs in Section 8.7 "Termination of Staff Appointment" of the Building Management Toolkit (https://cpas.icac.hk/UploadImages/InfoFile/cate_43/2019/280eaeaa-d72a-4b9c-be2f-37fb305c86ec.pdf).

Sample Form – Declaration of Conflict of Interest (For reference only)

Declaration of Conflict of Interest

To: XX PMC / XX Building Owners' Organisation

Declaration of Conflict of Interest

I understand that, if conflict of interest, actual or potential, exists between the applicant of XX position and me, I must make a declaration to XX PMC / XX Building Owners' Organisation.

I now declare that I am involved in the recruitment of XX position and there may be conflict of interest, actual or potential, between applicant XXX (applicant) and me:

- a) The business affairs between the applicant and me are as follows:

- b) The monetary or beneficial conflict of interest, actual or potential, between the applicant and me are as follows:

- c) The kinship between the applicant and me is as follows:

Name and position: _____

Signature: _____

Date: _____

Sample of Recruitment Interview Assessment Form (For reference only)

XX PMC / XX Building Owners' Organisation XX Staff Recruitment

Name of applicant _____

Interview date and time _____

Assessment items and weight

Item	Assessment item	Weight (%)	Score	Remarks
1	Work knowledge	X%		
2	Related work experience	X%		
3	Communication skills	X%		
4	General knowledge	X%		
5	Proactivity	X%		
6	Supervisory skills	X%		
7	Special skills	X%		
8	Language	X%		
9	Integrity	X%		
10	Confidence	X%		
		Total (100%)		

Other comments

Suggestion:

☐ Recommended for employment

☐ Not recommended for employment

(Signature and name of interviewers)



Related Code of Conduct

Property Management Services Authority

📍 Units 806-8, 8/F, Dah Sing Financial Centre,
248 Queen's Road East, Wan Chai, Hong Kong

☎ (852) 3696 1111

🖨 (852) 3696 1100

@ enquiry@pmsa.org.hk

