

General Code of Conduct

FAQs

These FAQs are for general reference only, the answers / solutions suggested in the FAQs are not exhaustive and do not constitute legal or professional advice. In considering whether a licensee has committed a disciplinary offence, the PMSA will determine each case on its own facts. Legal or professional advice should be sought as and when necessary on the interpretation of the relevant legal provisions and in respect of any individual case. The PMSA will not accept any liability or responsibility whatsoever for any loss or damage caused to any person howsoever arising from any use, misuse of, or reliance on the contents of these FAQs.

1. What is a code of conduct?

Answer: A code of conduct contains practical guidance for the purposes of section 4 of the Property Management Services Ordinance (“PMSO”) (disciplinary offences) and is issued by the PMSA under section 5 of the PMSO.

2. What is a best practice guide?

Answer: A best practice guide is issued by the PMSA under section 44 of the PMSO for the purpose of enabling licensees to comply more effectively and professionally with the guidelines set out in the code of conduct.

3. What are the consequences of failing to comply with the code of conduct or the best practice guide?

Answer: Under section 5 of the PMSO, a licensee does not incur a legal liability only because the licensee has contravened a provision of the code of conduct. However, 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. Failure to comply with the best practice guide will not be regarded as a disciplinary offence referred to in section 4 of the PMSO, however, licensees are encouraged to use their best endeavours to follow the best practice guide.

4. What does “client” mean in the General Code of Conduct (Code No.: C1/2020)?

Answer: The term “client” has the same meaning as defined in section 16 of the PMSO, i.e. *“in relation to a property for which a licensed PMC provides property management services, means— (a) the owners’ organization of the property; and (b) the owners of the property who pay or are liable to pay the management expenses in respect of the services”*.