

Notice to Complainant

1. In accordance with section 18 of the Property Management Service Ordinance (“PMSO”), the Property Management Service Authority (“PMSA”) deals with complaints against licensed property management companies or licensed property management practitioners who have committed disciplinary offences or are no longer meeting the prescribed criteria for holding their licences (“non-compliance”). The PMSA does not give legal advice to complainants or licensees on legal proceedings between them.
2. The provisions concerning disciplinary matters in the PMSO came into operation on 1 August 2020 without retrospective effect. Therefore, the PMSA has no jurisdiction to investigate non-compliance which occurred before 1 August 2020. In addition, the PMSA may only handle a complaint in which the person was and acted as, at the time when the suspected non-compliance occurred, a licensee. In other words, if the person being complained of was not a licensee at the material time, the PMSA has no jurisdiction to investigate the matter.
3. The PMSA may consider not conducting an investigation if:
 - (a) the complaint is misconceived or lacking in substance (for example, the complaint is based on mere speculation);
 - (b) the matter complained of is outside the jurisdiction of the PMSA (for example, the matter complained of is a mere contractual dispute);
 - (c) the non-compliance has occurred for more than 12 months, and the complainant fails to give a reasonable explanation¹ for the delay in lodging the complaint;
 - (d) the complainant is not willing to testify in the disciplinary hearing and/or refuses to complete the Complaint Form and/or refuses to attend a meeting to give a detailed statement; or
 - (e) the matter complained of is also the subject of legal proceedings²

¹ A reasonable explanation may include the complainant being not in Hong Kong at the material time.

² The PMSA may consider deferring an investigation pending the outcome of legal proceedings.

4. If the PMSA decides not to conduct or to terminate an investigation, it will, as soon as practicable, notify the complainant in writing of the decision and give a reason for the decision.
5. A complainant **must** provide his/her name, Hong Kong identity card number / passport number, correspondence address and telephone number so that the PMSA may contact the complainant and, where required, issue a summons for appearing in disciplinary hearings to testify.
6. A complaint may be lodged at the office of the PMSA (preferably by calling the PMSA in advance to arrange for a meeting) or in writing and sent to the PMSA by post, fax or email. A complainant should provide details of the complaint, including the date of the incident, the address of the relevant property, and the identity of the relevant person(s) and property management company. To assist the PMSA to conduct a preliminary assessment on the complaint, the complainant is encouraged to complete the Complaint Form.
7. If a complaint is lodged anonymously or the complainant refuses to have his / her identity disclosed to the complainees and/or other relevant parties, the PMSA may decide whether or not to handle the complaint and, in any event, will not inform the person lodging the complaint of its decision, the progress and result of the investigation.
8. The PMSA will conduct a preliminary assessment on the information provided by a complainant. If the matter falls within the jurisdiction of the PMSA, an investigator appointed by the PMSA may conduct an investigation. The PMSA will, within 10 working days after the receipt of a complaint, invite the complainant to attend at the PMSA office to give a detailed statement.
9. The PMSA shall treat all the information received in strict confidence (regardless of whether it is provided by the complainant, complainees or witnesses). However, if the investigation so warrants and for fairness sake, the PMSA may, with the consent of the complainant, disclose the identity of the complainant and will inform the complainees and the witnesses, if any, of the details of the complaint. The investigator will set out, in writing, the complaint against the complainees and will request the complainees to respond.
10. The investigator will, without disclosing any detail or information obtained in the investigation, inform the complainant of the investigation progress in writing every three months.

11. A person may commit an offence if he/she, upon the request of the investigator, provides any information or document or gives any response that is false or misleading in a material particular. The maximum penalty is a fine of \$200,000 and imprisonment for 1 year.

12. The information provided by the complainant will only be used for purposes which are related to the complaint. All personal data submitted by the complainant may be transferred to parties who will be involved in the processing of the complaint and the undertaking of disciplinary proceedings, or to such persons and agencies who are authorized to receive information relating to undertaking disciplinary action, law enforcement, prosecution, review of decision or carrying out the functions of the PMSA under the PMSO.

13. If, after the investigation, there is *prima facie* evidence to support the complainant's allegations against the complaine, the PMSA may consider conducting a hearing. If the evidence obtained from the investigation is insufficient to support the complainant's allegations against the complaine, both parties will be notified in writing of the decision without any details of the investigation disclosed to them.

14. If the PMSA decides that a hearing be conducted, summons may be issued to any person for appearing in the hearing to testify. A person may commit an offence if he / she, without reasonable excuse, fails to comply with the summons. The maximum penalty is a fine of \$200,000 and imprisonment for 1 year.

15. A person may commit an offence if he / she, at a hearing, gives any evidence, or provides any information or document, that is false or misleading in a material particular. The maximum penalty is a fine of \$200,000 and imprisonment for 1 year.

16. At the conclusion of the hearing, the PMSA will notify the complainant and complaine of the result in writing.