

# **PROPERTY MANAGEMENT SERVICES AUTHORITY**

## **General Code of Conduct**

**Code No. : C1/2020**

**Effective Date : 7 August 2020**

### **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 offence). Although a licensee 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.

### **Code**

- (1) A licensee must not commit misconduct or neglect in a professional respect.
- (2) A licensee must provide services to the licensee's clients with honesty, fidelity and integrity.
- (3) A licensee must, to the best of the licensee's knowledge, provide accurate and relevant information or advice to the licensee's clients to facilitate them to make informed judgments and decisions.
- (4) A licensee must establish proper procedures and systems to manage and supervise the property management services provided by the licensee.
- (5) A licensee must, in the course of the licensee's practice, act in an impartial and just manner towards the licensee's clients and any other parties concerned.

- (6) A licensee should avoid conflict of interests with the licensee's clients. In the event of possible or potential conflict of interests (whether pecuniary or beneficial interest), a licensee must as soon as reasonably practicable disclose to the licensee's clients in detail such interests.
- (7) A licensee must not maliciously injure the reputation, nor publicly disparage the practice, of other property management services providers.
- (8) A licensee must not do anything which may bring disrepute to the property management profession.
- (9) A licensee must, in the course of the licensee's practice, comply with the laws of Hong Kong.

#### Note

- (1) The term "licensee" means the holder of (a) a PMC licence; (b) a PMP (Tier 1) licence; (c) a PMP (Tier 2) licence; (d) a provisional PMP (Tier 1) licence; or (e) a provisional PMP (Tier 2) licence.
- (2) The term "client" has the same meaning as defined in section 16 of the PMSO. Section 16 of the PMSO provides: "*client (客戶), 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.*"
- (3) To determine whether a licensee has acted in accordance with paragraphs (3) and (4) of the Code, the PMSA will consider the terms of the relevant contract entered into between the licensee and the licensee's client in order to determine the scope of property management services to be provided and the duties to be carried out by the licensee.

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