

# PROPERTY MANAGEMENT SERVICES AUTHORITY

## Best Practice Guide on Complaint Handling Mechanism of Property Management Companies

**Guide No.:** G2/2021

**Effective Date:** 8 January 2021

### **Preamble**

For the purpose of enabling licensees<sup>1</sup> to comply more effectively and professionally with the guidelines set out in the code of conduct entitled “Complaint Handling Mechanism of Property Management Companies” (Code No.: C2/2021) (“Code”) issued by the Property Management Services Authority (“PMSA”) on 8 January 2021, the PMSA provides further guidelines in this best practice guide (“Guide”) pursuant to section 44<sup>2</sup> of the Property Management Services Ordinance (“PMSO”). 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.

### **Complaint procedures and systems**

**Code:** A(1) A licensed property management company (“licensed PMC”) has to establish an effective complaint<sup>3</sup> handling mechanism (“mechanism”) for each property for which property management services (“PMSs”) are provided by it. A notice containing details of the mechanism shall be displayed in a prominent place in the property so as to enable the licensed PMC’s clients<sup>4</sup> to know the details of the mechanism.

A(2) The notice mentioned in paragraph A(1) of the Code shall include the

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<sup>1</sup> 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.

<sup>2</sup> 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.*”

<sup>3</sup> A licensed PMC is not required to follow the Code or the Guide 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, a user 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.

<sup>4</sup> 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*”. According to such definition, a tenant is not a client.

details of the mechanism and the following matters:

- Ways of lodging a complaint;
- Clients may obtain details of the mechanism<sup>5</sup>;
- Personal information collection statement; and
- Contact information of the person-in-charge (see paragraph B(1) of the Code).

A(3) The mechanism shall include the following elements:

- Appointing a person-in-charge to supervise the handling of complaints;
- Acknowledging receipt of and recording complaints;
- Handling complaints promptly;
- Notifying complainant of progress and result timely; and
- Proper record-keeping and providing complaint information.

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- a(1) The notice mentioned in paragraphs A(1) and A(2) of the Code should include information set out in the sample at **Appendix 1** and a licensed PMC should display the notice in a prominent place at every building in the property, so far as reasonably practicable.
- a(2) Apart from providing the details of the mechanism to clients as mentioned in paragraph A(2) of the Code, a licensed PMC should also provide the details of the mechanism to a user or a visitor upon request.
- a(3) In order to handle complaints more efficiently, a licensed PMC should state in the notice that a complaint may not be dealt with due to delay in lodging it.

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

**Code:** B(1) A licensed PMC has to, for each property for which PMSs are provided by it, appoint a licensed PMP (“person-in-charge”) to supervise the handling of complaints 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.

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<sup>5</sup> A licensed PMC may, after receipt of payment of a reasonable copying fee, provide a copy of the mechanism to a client.

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- b(1) The person-in-charge appointed by a licensed PMC in accordance with paragraph B(1) of the Code may either be a licensed PMP (Tier 1) or a licensed PMP (Tier 2).
- b(2) A licensed PMC should display the information of the person-in-charge legibly and in appropriate font size in a prominent place at every building in the relevant property, so far as reasonably practicable.
- b(3) If the person-in-charge is the one under complaint or was involved in the relevant matter, the licensed PMC should appoint another person-in-charge to supervise the handling of the complaint. If a licensed PMP cannot be appointed, a director or a senior management staff of the company should be assigned to perform the duty of the person-in-charge.

### **Acknowledging receipt of and recording complaints**

**Code:** C(1) Subject to paragraph E(3) of the Code, upon receipt of a complaint, the person-in-charge has to, as soon as reasonably practicable, arrange to assign a case number to the complaint, record its brief facts in the complaint register<sup>6</sup>, acknowledge receipt of the complaint and provide the case number to the complainant<sup>7</sup>.

C(2) The person-in-charge has to ensure that the following information is recorded in the complaint register: the name of the complainant (if provided); brief facts of the complaint and the date on which the complaint is recorded.

C(3) The person-in-charge has to check the complaint register regularly and rectify or arrange for rectification of any error found as soon as reasonably practicable.

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<sup>6</sup> The complaint register may be in electronic form. Licensed PMCs may set up separate complaint registers for different parts of the property (e.g. residential area, club house, etc.).

<sup>7</sup> The guidelines on the requirement to contact a complainant only apply to the situation where the complainant has provided contact information. If the complainant has not provided any contact information, the guidelines on contacting a complainant set out in paragraphs C(1), D(2), E(1) and E(2) of the Code do not apply.

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- c(1) The person-in-charge should within 10 days<sup>8</sup> or the time limit agreed with the client (whichever is shorter) arrange to assign a case number to the complaint, record its brief facts in the register (see a sample at **Appendix 2**) and acknowledge receipt of the complaint. If the complainant has provided contact information, the licensed PMC may choose to contact the complainant verbally, by telephone or in writing (i.e. letter or email) to acknowledge receipt of the complaint and provide the case number.
- c(2) Apart from the name of the complainant (if provided), the brief facts of the complaint and the date on which the complaint is recorded, the information of the relevant unit in the property (if provided) and the identity of the person who records the complaint (e.g. the name of the staff or staff number) should also be recorded in the register.

## **Handling complaints promptly**

**Code:** D(1) Upon receipt of a complaint, a licensed PMC has to, as soon as reasonably practicable, carry out follow-up actions in accordance with the mechanism. However, a licensed PMC may not deal with an anonymous complaint<sup>9</sup>.

D(2) Subject to paragraph E(3) of the Code, if a licensed PMC is unable to handle the complaint (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), the licensed PMC has to, with the consent of the complainant, refer the complaint to the relevant person or organization (e.g. management committee or owners' committee) or advise the complainant to contact the relevant person or organization directly.

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- d(1) A licensed PMC may not deal with a complaint if the matter of complaint had happened for more than 12 months.

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<sup>8</sup> Calendar days (not working days).

<sup>9</sup> 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.

- d(2) Where reasonably practicable, a licensed PMC should appoint an investigator<sup>10</sup> to investigate complaints and formulate guidelines on reporting, keeping and accessing complaint-related information and reviewing investigation results.
- d(3) If there is substantive evidence to support that bribery or other illegal activities are involved, the licensed PMC should, as soon as reasonably practicable, report the matter to the Independent Commission Against Corruption or other relevant law enforcement agencies, and avoid conducting unnecessary investigation which may affect subsequent criminal investigation.

### **Notifying complainant of progress and result timely**

**Code:** E(1) Subject to paragraph E(3) of the Code, a licensed PMC has to timely notify the complainant the progress of follow-up action(s) taken.

E(2) Subject to paragraph E(3) of the Code, a licensed PMC has to, at the conclusion of follow-up action(s) taken, notify the complainant of the result, explain to the complainant the relevant follow-up action(s) taken (if any) and the reasons for reaching the conclusion (if applicable).

E(3) If the complainant is not a client or is an anonymous complainant, the licensed PMC is not required to contact or notify 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.

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- e(1) To comply with the requirement set out in paragraph E(1) of the Code, a licensed PMC should, so far as reasonably practicable, regularly notify the complainant of the progress of the follow-up action(s) taken (e.g. every 1 week, 3 weeks, 1 month or 3 months, subject to the complexity of the matter under complaint).
- e(2) If a complainant has provided relevant contact information, the licensed PMC may notify the complainant of the progress according to paragraphs E(1) of the Code verbally, by telephone or in writing (i.e. letter or email).
- e(3) If a complainant has provided relevant contact information, the licensed PMC should, at the conclusion of follow-up action(s) taken, notify the complainant of

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<sup>10</sup> Although an investigator does not need to hold a PMP licence, he/she is required to possess the appropriate experience.

the result in writing, explaining to the complainant the relevant follow-up action(s) taken (if any) and the reasons for reaching the conclusion (if applicable).

- e(4) Although a licensed PMC is not required to follow the guidelines set out in paragraphs C(1), D(2), E(1) and E(2) of the Code to contact or notify a complainant who is not a client of the licensed PMC, the licensed PMC should still handle the complaint fairly and impartially.

### **Proper record-keeping and providing complaint information**

**Code:** F(1) A licensed PMC has to keep properly all relevant complaint information<sup>11</sup> and documents for not less than 3 years commencing from the date of receipt of a complaint (no matter whether the complaint is established or not). A licensed PMC has to, upon written request (if any) 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.

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- f(1) The statistical information compiled by a licensed PMC should include the information set out in the sample at **Appendix 3**.
- f(2) The statistical information provided by a licensed PMC should not include personal data.

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<sup>11</sup> Relevant information includes records of oral and telephone communication with complainants.

**Complaint Handling Mechanism of Property Management Companies**

Name of property: \_\_\_\_\_

Name of property management company: \_\_\_\_\_

Name of person-in charge: \_\_\_\_\_ Licence no.: \_\_\_\_\_

Telephone no. / email address: \_\_\_\_\_

1. According to the guidelines issued by the Property Management Services Authority, we have established a complaint handling mechanism. A copy of the details of mechanism may be provided to a client upon the receipt of a reasonable copying fee.
2. Ways of lodging a complaint:
  - Calling the management office at [telephone number];
  - Contacting a staff member or security guard who is on duty;
  - Writing to [address] or dropping a letter into the designated mailbox;
  - Emailing to [email address]; or
  - Using designated electronic means (e.g. mobile application (if any))
3. Under the complaint handling mechanism, we have appointed a person-in-charge to supervise the handling of complaint. When a complaint is received, the person-in-charge will, as soon as reasonably practicable, arrange to assign a case number to the complaint, acknowledge receipt of the complaint, provide the case number to the complainant, ensure that the relevant information is accurately recorded in the complaint register, and, as soon as reasonably practicable, amend or arrange to amend the register if an omission or error is found. We will, as soon as reasonably practicable, carry out follow-up action(s) according to the mechanism. If we are unable to handle a complaint, we will obtain consent from the complainant and then refer the complaint to the relevant person or organization, or advise the complainant to contact the relevant person or organization directly. We will notify the complainant of the progress and the result of the complaint timely. All relevant complaint information and documents will be kept for a period of not less than 3 years commencing from the receipt of the complaint.

[Note: licensed PMC should set out in the above paragraph 3 whether they will follow up and/or how to follow up on an anonymous complaint, a complaint lodged by a person who is not a client and a complaint the subject matter of which had happened for more than 12 months.]

4. The following is our personal information collection statement:
 

The personal data collected will be used for the purpose of handling complaints. Providing personal data is voluntary. However, if a complainant does not provide sufficient information, we may not be able to follow up on and handle the complaint. A complainant may, at any time, request us to cease using his or her personal data by informing our Personal Data (Privacy) Officer. Any personal data provided may be transferred to other parties if it is necessary for us to comply with the applicable legal or regulatory requirements, or orders of competent authorities in Hong Kong or other jurisdictions. A complainant has the right to request access to, and correction of, his/her personal data held by us. Any such request should be made to our Personal Data (Privacy) Officer at [address].

Note: A person-in-charge is either a licensed PMP (Tier 1) or a licensed PMP (Tier 2) appointed to supervise the handling of complaints.

Sample ( for reference only )

**Appendix 2**

**Complaint Register**

Name of property: \_\_\_\_\_ Name of property management company: \_\_\_\_\_

Name of person-in-charge: \_\_\_\_\_ Licence no.: \_\_\_\_\_ Telephone no. / email address: \_\_\_\_\_

Premises related: Residential / Club House / Mall / Carpark / \_\_\_\_\_

Date of complaint	Complainant (Name and unit (if provided))	Case no.	Brief facts of complaint	Person recording the complaint (Name of the staff or staff no.)	Date on which complaint is recorded	Date on which the handling of complaint is concluded and the complainant notified	Remark	Date of inspection by person-in-charge and signature

Note: A person-in-charge is either a licensed PMP (Tier 1) or a licensed PMP (Tier 2) appointed to supervise the handling of complaints.



**Table of Complaint Statistics for the Year [202X]**

Date: \_\_\_\_\_

Name of property: \_\_\_\_\_

Name of property management company: \_\_\_\_\_

Total number of complaints (including those received before this year but the follow-up actions of which have not yet been completed)	Categories of complaints (e.g. cleaning, security, maintenance, etc.)	Completed	In progress
95 cases (5)	Cleaning: 50 cases Security: 23 cases Maintenance: 22 cases	90 cases	Cleaning: 1 case Maintenance: 4 cases

Note: The figure in brackets is the number of complaints received in the previous year but the follow-up actions on which have not yet been completed.