

PROPERTY MANAGEMENT SERVICES AUTHORITY

Code of Conduct

Complaint Handling Mechanism of Property Management Companies

Code No. : C2/2021

Effective Date : 8 January 2021

Preamble

The following code of conduct (“Code”) is issued by the Property Management Services Authority 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 offences). Although a licensee¹ 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

Complaint procedures and systems

- A(1) A licensed property management company (“licensed PMC”) has to establish an effective complaint² 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 clients³ to know the details of the mechanism.
- A(2) The notice mentioned in paragraph A(1) of the Code shall include the details of the mechanism and the following matters:

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 A licensed PMC is not required to follow the Code 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 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.

³ 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.

- Ways of lodging a complaint;
- Clients may obtain details of the mechanism⁴;
- 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.

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

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.

Acknowledging receipt of and recording complaints

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 register⁵, acknowledge receipt of the complaint and provide the case number to the complainant⁶.

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.

⁴ A licensed PMC may, after receipt of payment of a reasonable copying fee, provide a copy of the mechanism to a client.

⁵ 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.).

⁶ The guidelines on the requirement to contact a complainant 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.

Handling complaints promptly

- 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 complaint⁷.
- 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.

Notifying complainant of progress and result timely

- 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.

Proper record-keeping and providing complaint information

- F(1) A licensed PMC has to keep properly all relevant complaint information⁸ 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' organisation.

— END —

⁷ 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.

⁸ Relevant information includes records of verbal and telephone communication with the complainants.