

PROPERTY MANAGEMENT SERVICES AUTHORITY

Code of Conduct

Prevention of Corruption

Code No.: C6/2021

Effective Date: 23 July 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

Integrity policy and requirements for licensed property management companies (“PMCs”)

- A(1) A licensed property management company (“licensed PMC”) has to formulate a policy on prevention of corruption for its business of providing property management services (“PMSs”). The policy has to include —
- (a) the company’s integrity management policy;
 - (b) the company’s probity requirements for its property management practitioners; and
 - (c) a reporting mechanism for prompt reporting of suspected illegal acts to relevant law enforcement agencies.
- A(2) A licensed PMC has to ensure that the policy set out in paragraph A(1) of the Code is duly communicated to its directors, staff, agents and subcontractors.

Providing integrity training by licensed PMCs

- B(1) A licensed PMC has to provide integrity training regularly to its senior officers (i.e. directors, managers and company secretaries) and staff holding certain key

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.

positions (e.g. accounting staff, human resources and administrative staff) to raise their awareness in corruption prevention.

Managing integrity risk by licensed PMCs

C(1) A licensed PMC has to manage the integrity risk² for its business of providing PMSs and ensure that its work procedures include risk control measures.

Probity requirements for licensed property management practitioners

D(1) A licensed property management practitioner (“licensed PMP”) has to comply with the following probity requirements—

- (a) complying with the prevention of corruption policy formulated by the PMC that the licensed PMP works for;
- (b) bribery and corruption are strictly prohibited, including—
 - (i) complying with the Prevention of Bribery Ordinance (“POBO”) (Cap. 201) and other relevant laws when carrying out property management work, and any act of bribery or corruption in whatever form is prohibited;
 - (ii) not to solicit or accept any advantage from others as a reward for or inducement to doing any act or showing favour in relation to the property management affairs, or offer any advantage to an agent of another as a reward for or inducement to doing any act or showing favour in relation to the principal’s business or affairs;
 - (iii) not to offer any advantage to any public servant (e.g. Government / public body employee) as a reward for or inducement to the performing of any act in the official capacity or showing any favour or providing any assistance in business dealings with the Government / a public body;
 - (iv) not to offer any advantage to any staff of a Government department or public body while having business dealings with them;
- (c) not to solicit, accept and offer advantage — complying with the rules / restrictions set by clients / PMCs regarding illegal solicitation, acceptance and offering of any advantage as defined under the POBO;

² Integrity risk refers to a threat to the performance or the reputation of an organisation due to the misconduct or illegal act, such as bribery, fraud, conflict of interest, misuse of office of its members, employees, agents or business counterparts.

- (d) avoidance of conflict of interest — avoiding any actual or perceived conflict of interest. If unavoidable, the licensed PMP concerned has to make a declaration to the relevant designated approving officer as mentioned in the relevant policy of the PMC that the licensed PMP works for, who should decide on the appropriate management / mitigation measures to be adopted;
- (e) abuse of office is strictly prohibited — clients' and PMCs' assets, including funds, property, information, and intellectual property may only be used for the purpose of conducting the clients' / PMCs' business. Any unauthorised use of the clients' / PMCs' assets is prohibited; and
- (f) assistance to law enforcement agencies — rendering full assistance to law enforcement agencies in the investigation of criminal offences.

— END —

If there is any inconsistency between the Chinese version and the English version of this Code, the Chinese version shall prevail.
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