

Property Management Services Authority

Code of Conduct

Handling Emergencies

Code No. : C12/2022

Effective Date : 29 July 2022

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 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.

Background

Licensed property management companies (licensed PMCs), during the provision of property management services (PMSs) for properties, may encounter emergencies or unexpected situations which require immediate action, e.g. typhoons, adverse weather, flooding, pipe bursts, power outages, water suspension, fires, gas leakages, damaged facilities, lift malfunctions, crime, illegal activities, public hygiene issues, spreading of diseases etc. (hereinafter collectively referred to as “emergencies”). The PMSA has formulated the Code to provide practical guidance to licensed PMCs on handling emergencies.

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.

Establishing a mechanism for handling emergencies

Code : A(1) A licensed PMC has to, for the property for which PMSs are provided by it, establish a proper mechanism for handling emergencies. The mechanism has to contain the following elements:

- Identifying probable emergencies and conducting risk assessment;
- Formulating procedures and guidelines for handling emergencies;
- Appointing a person-in-charge for handling emergencies;
- Arranging drills;
- Establishing channels for communication with relevant supporting departments;
- Establishing channels for communication with clients²; and
- Keeping records.

Identifying probable emergencies and conducting risk assessment

Code : B(1) A licensed PMC has to, so far as reasonably practicable, for the property for which PMSs are provided by it, identify probable emergencies and conduct relevant risk assessments to discern its effects and to make appropriate arrangements in advance.

Formulating procedures and guidelines for handling emergencies

Code : C(1) A licensed PMC has to, for the property for which PMSs are provided by it:

- (a) formulate by itself procedures and guidelines (if there is no owners' organisation³) or
- (b) consult the owners' organisation (if any) and so far as reasonably

² 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' organisation 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.

³ The term "owners' organisation" has the same meaning as defined by section 2 of the PMSO i.e. "in relation to a property, means an organisation (whether or not formed under the Building Management Ordinance (Cap. 344) (BMO) or a deed of mutual covenant) that is authorised to act on behalf of all the owners of the property".

practicable agree with it the respective procedures and guidelines⁴ for handling emergencies.

Appointing a person-in-charge for handling emergencies

Code : D(1) A licensed PMC has to, for the property for which PMSs are provided by it, appoint a licensed property management practitioner (person-in-charge) to coordinate and supervise the handling of emergencies, and conduct review after an emergency.

Arranging drills

Code : E(1) A licensed PMC has to arrange drills timely for its staff members, clients and relevant persons (e.g. tenants) on dealing with emergencies.

Establishing channels for communication with relevant supporting departments

Code : F(1) A licensed PMC has to establish proper communication channels with relevant Government departments and organizations (e.g. lift contractors, gas supplies companies) so that assistance can be sought as soon as possible when an emergency occurs.

Establishing channels for communication with clients

Code : G(1) A licensed PMC has to, for the property for which PMSs are provided by it, establish proper channels for communication with its clients and relevant persons (e.g. tenants) so as to notify its clients and relevant persons as soon as possible, enabling them to make appropriate arrangements when an emergency occurs.

⁴ The guideline or guide does not affect a licensed PMC as the manager to carry out its duties according to the BMO or the deed of mutual covenant of the respective property. The term “manager” has the same meaning as that defined by section 34D of the BMO.

Keeping records

Code : H(1) A licensed PMC has to record the details of each individual case of emergency and properly keep the record, documents and information concerned for not less than three years.

End

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