

# **Property Management Services Authority's procedures and mechanism for handling and responding to public complaints**

## **Investigation Report**

A member of the public (“the complainant”) complained to this Office against the Property Management Services Authority (“PMSA”) for delay in handling and responding to her complaint.

### **The Complaint**

2. The complainant, the owner of a commercial premises in a shopping mall, had lodged a complaint since mid-2024 with PMSA against the mall’s management company (“Company A”) for alleged irregularities, including: failing to convene an extraordinary general meeting in accordance with the Building Management Ordinance (“BMO”) upon request by the owners; refusing to provide all contracts and documents related to the mall’s management, and charging excessive fees for releasing some of the documents; and suspected of falsely claiming to be the mall’s administrator.

3. The complainant alleged that PMSA had failed to take action against Company A in response to her complaint (**allegation (1)**). The complainant also alleged that PMSA had not provided any substantive replies on the investigation progress or results, other than repeating that the complaint was being followed up in accordance with procedures (**allegation (2)**).

### **Our Findings**

#### ***Background***

#### **Functions of PMSA**

4. PMSA is a statutory body established under the Property Management Services Ordinance (“PMSO”). Its principal functions are: to regulate and control the provision of property management services through the licensing of property management companies (“PMCs”) and property management practitioners (“PMPs”); to promote the integrity, competence and professionalism of the profession of property management services; and to maintain and enhance the status of the profession of property management services.

5. The licensing regime for the property management industry came into effect on 1 August 2020. Under section 4 of the PMSO, PMSA may investigate complaints against licensed PMCs and PMPs for suspected disciplinary offences<sup>1</sup> or where it is alleged that they no longer meet any prescribed criteria required for holding a licence.

6. Meanwhile, PMCs generally provide property management services based on the terms of contracts entered with clients. Depending on the circumstances, a complaint solely related to service quality or contractual disputes may fall outside PMSA's jurisdiction. In such cases, PMSA will not investigate such issues under the PMSO.

#### PMSA's Procedures and Mechanism for Handling Complaints

7. Section 18(3) of the PMSO stipulates that if PMSA decides not to investigate a complaint, it must, as soon as practicable after it makes the decision, notify the complainant in writing of the decision and reasons<sup>2</sup>.

8. Upon receiving information from a complainant, PMSA will conduct a preliminary assessment and assign the case to an investigator if an investigation is warranted. PMSA pledges to conclude complaints within six months upon receipt of sufficient information. During this period, PMSA will acknowledge receipt within 10 calendar days and give the complainant monthly updates in writing or by other proper means. If the investigation reveals *prima facie* evidence supporting the complainant's allegations against the complainee, PMSA will consider initiating disciplinary proceedings. The procedures and mechanism for handling complaints are set out in the Notice to Complainant for their reference.

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<sup>1</sup> Pursuant to section 4 of the PMSO, for the purposes of this Ordinance, a licensee commits a disciplinary offence if—

(a) the licensee commits misconduct or neglect in a professional respect;

...

(e) the court determines that the licensee has contravened a requirement in the BMO or a deed of mutual covenant that is applicable to the licensee; or

(f) the licensee is convicted in Hong Kong or elsewhere of a criminal offence that—

(i) may bring the profession of property management services into disrepute; and

(ii) is punishable with imprisonment (whether or not the licensee was sentenced to imprisonment).

<sup>2</sup> Pursuant to section 18(3) of the PMSO, if PMSA decides not to conduct an investigation to deal with a complaint, it must, as soon as practicable after it makes the decision, by notice in writing given to the complainant—

(a) notify the complainant of the decision; and

(b) give reasons for the decision.

9. In the acknowledgement letter upon receiving a complaint, PMSA will attach the Notice to Complainant, which is also available on its website. Staff responsible for handling complaints are required to follow the procedures and time frame stipulated in the PMSO and the Notice to Complainant.

### ***Sequence of Events***

10. According to PMSA records, the complainant lodged a complaint in late July 2024 against Company A via PMSA's online complaint form, followed by 16 emails to the Authority. PMSA's key actions in handling and responding to the complainant's case are as follows:

	Date	Event
(1)	Late Jul 2024	The complainant lodged a complaint with PMSA against Company A, primarily concerning the management of the shopping mall, including the tendering procedures for the air-conditioning system and escalator works.
(2)	Early Aug	PMSA acknowledged receipt of the complaint via email, stating that it "will handle the matters and respond to you in accordance with established procedures. For details, please refer to the attached Notice to Complainant."
(3)	Late Aug	PMSA contacted Company A by phone to follow up on the complainant's case.
(4)	Late Aug and early Sep	The complainant provided PMSA with further information, including allegations that Company A failed to convene an extraordinary general meeting, refused to provide certain documents, and was suspected of charging excessive fees. PMSA issued an interim reply stating that it "will follow up appropriately in accordance with established procedures."

(5)	Early Sep	PMSA issued a similar interim reply to the complainant (see <b>para. 10(4)</b> ).
(6)	Early Sep	PMSA contacted Company A by phone and email to follow up on the complaint and request case-related information.
(7)	Late Sep	The complainant provided PMSA with further information. The Authority responded with a similar interim reply (see <b>para. 10(4)</b> ).
(8)	Late Sep – Late Oct	<p>PMSA repeatedly contacted Company A by phone and email to follow up on the complaint and request case-related information.</p> <p>Company A provided PMSA with case-related information.</p> <p>In early October, PMSA issued a similar interim reply to the complainant (see <b>para. 10(4)</b>).</p> <p>In late October, the complainant provided PMSA with further information, including suspicions that Company A had falsely claimed to be the mall's administrator. PMSA responded with a similar interim reply (see <b>para. 10(4)</b>).</p>
(9)	Nov – Dec	<p>PMSA repeatedly contacted Company A by phone and email to follow up on the complaint and request case-related information.</p> <p>Company A provided PMSA with case-related information.</p> <p>In November and December, PMSA issued similar interim replies to the complainant (see <b>para. 10(4)</b>).</p> <p>In mid-November, the complainant provided PMSA with</p>

		<p>further information. The Authority responded with a similar interim reply (see <b>para. 10(4)</b>).</p>
(10)	Jan – Mar 2025	<p>PMSA repeatedly contacted Company A by phone and email to follow up on the complaint and request case-related information.</p> <p>Company A provided PMSA with case-related information.</p> <p>In January, February and March, PMSA issued similar interim replies to the complainant (see <b>para. 10(4)</b>).</p> <p>In January and March, the complainant expressed her views on how the case was being handled and provided further information. PMSA responded with similar interim replies (see <b>para. 10(4)</b>).</p> <p>PMSA arranged for the Manager of the Complaints and Enforcement Division to call the complainant in mid and late March to explain the case progress.</p>
(11)	Apr – Jun	<p>In April, May and June, PMSA issued similar interim replies to the complainant (see <b>para. 10(4)</b>). Notably, PMSA's interim reply in late June was more specific and covered the complainant's concerns related to mall management and Company A's service contract.</p> <p>Separately, between April and June, PMSA further contacted Company A by letter and phone to request information.</p>
(12)	Jul – Aug	<p>After receiving case-related information from Company A, PMSA issued a Notice to Attend Meeting in August, requiring Company A to attend a meeting to respond to further questions and provide information.</p>

## ***Response from PMSA***

### **Allegation (1): Handling of the Complaint against Company A**

11. PMSA stated that it was still investigating the various matters raised by the complainant against Company A. It had decided to pursue an investigation into the matters following preliminary assessment.

12. In addition to the initial complaint lodged in late July 2024, the complainant continued to raise new allegations and concerns against Company A during the complaint process (see **paras. 10(4), 10(7), 10(8), 10(9) and 10(10)**). PMSA explained that the complainant's case involved many complex issues, including provisions under the BMO, interpretation of the deed of mutual covenant, tendering procedures, conflicts of interest, professional misconduct, suspected disciplinary offences and requests for licence revocation. These matters were not straightforward and took more time to examine and handle. Furthermore, the complainant raised new allegations and provided supplementary information at various stages after the initial complaint (see **para. 10**), resulting in PMSA having to conduct thorough investigation and obtain extensive information from Company A continuously. PMSA therefore considered it inappropriate to calculate the six-month time frame for complaint handling from late July 2024 when the complainant initially lodged her complaint.

13. PMSA explained that it had been handling the complainant's case against Company A in accordance with established procedures and mechanism. During the process, PMSA repeatedly contacted Company A by email and telephone for investigation, and Company A provided information in response to PMSA's requests time and again. As such, PMSA considered itself to have not delayed in handling the complainant's case against Company A.

### **Allegation (2): Responding to the Complainant**

14. PMSA stated that since the investigation is still ongoing, it could only issue interim replies to the complainant. It could not disclose specific details and relevant actions in writing before the investigation is completed, lest the investigation progress and results be affected. Moreover, mindful of the litigation between other mall owners and Company A, PMSA considered it essential to respond to the complainant with caution so as not to affect the judicial proceedings.

15. PMSA understood that the complainant expected more specific and case-related responses rather than brief replies. Therefore, in addition to the interim replies issued monthly, staff members of various ranks communicated directly with the complainant by phone on eight occasions during the complaint handling period (from July 2024 to March 2025), verbally updating her on the case and explaining why it was inappropriate to disclose details of the handling process in writing.

16. In response to the complainant's dissatisfaction with the handling by the case officer, PMSA took her concerns into account and arranged for the most senior officer in the Complaints and Enforcement Division (i.e. the Division Manager) to communicate directly with her and explain the case progress since March 2025 (see **para. 10(10)**). Moreover, PMSA recognised the need to strike a balance between the complainant's expectations and the integrity of investigation. Drawing on the experience from this case, PMSA will provide more specific updates in future as far as possible without affecting the investigation. In this case, following our intervention, PMSA issued a more specific interim reply to the complainant in late June, covering her concerns related to mall management and Company A's service contract (see **para. 10(11)**).

17. PMSA stated that all its members and staff have been dedicated to discharging their statutory duties to implement the licensing regime for the property management industry, promote the industry's professional development, and assist the industry in striving for enhancement in professionalism and quality. In pursuit of ever higher standards, PMSA is willing to implement further improvement measures in light of our full investigation.

## **Our Comments**

### ***Allegation (1): Handling of the Complaint against Company A***

18. We need to point out that after following up on a case, PMSA's decision of whether PMCs or PMPs have committed any disciplinary offence under the PMSO, and whether further action should be taken, involves its professional judgement. As these are not administrative matters subject to our scrutiny under the law, we will not comment. Neither will we intervene in PMSA's functions of regulating and investigating PMCs and PMPs under its exclusive purview.

19. Regarding the complainant's case against Company A, PMSA had, since receiving her complaint, continued its contact, investigation and follow-up with Company A. As the complainant raised further allegations and provided supplementary information on multiple occasions (see **para. 10**), PMSA had to seek further information from Company A. The complainant's case involved many complex issues, including interpretation of legal provisions and the deed of mutual covenant, tendering procedures, conflicts of interest, and disciplinary offences (see **paras. 12 and 13**). Given the complexity of the case, it is understandable that PMSA took time to obtain information from Company A and conduct investigation.

20. We have carefully scrutinised the case files provided by PMSA, including correspondence between PMSA and Company A, as well as its acknowledgement letter and interim replies to the complainant. From an administrative perspective, we consider PMSA to have investigated the complaint against Company A in accordance with its existing complaint handling procedures and mechanism, and there is no evidence of maladministration.

21. Based on the analysis in **paragraphs 18 to 20**, The Ombudsman considers **allegation (1) unsubstantiated**.

#### ***Allegation (2): Responding to the Complainant***

22. PMSA acknowledged receipt of the complaint against Company A made in late July 2024 by the complainant. In accordance with its existing complaint handling procedures and mechanism, PMSA issued interim replies monthly (see **para. 10**). Following our intervention, PMSA also issued a more specific interim reply in late June 2025 (see **para. 16**).

23. However, in its acknowledgement letter and interim replies to the complainant, PMSA merely reiterated that it was following up on her complaint in accordance with procedures, without providing any substantive update on the case progress. We understand that to avoid affecting the investigation and related litigation, PMSA considered it inappropriate to disclose details prematurely (see **para. 14**). Nonetheless, repetitive and formulaic responses were unhelpful for the complainant to understand the situation. At the very least, PMSA could have confirmed the scope of complaint and explained the direction of investigation, which would not likely have an adverse impact. While PMSA took a longer time in processing the complainant's complaint due to factors including the complexity of the case (see **paras. 12 and 13**),

for almost a year, the complainant received only repetitive and brief messages during the investigation period (from July 2024 to June 2025), making it difficult for her to know the progress of the investigation. This may have led her to believe that PMSA had not taken any substantive action at all, which is far from satisfactory.

24. PMSA staff had responded to the complainant verbally (see **para. 15**), but verbal replies are generally less specific than written ones. In retrospect, the complainant had provided PMSA with information multiple times. Upon receiving her new allegations and supplementary information, had PMSA seized the opportunity to inform her of the assessment results and confirm whether such issues were included within the scope of investigation, and issued a more specific interim reply similar to the one in late June 2025 as soon as possible, it should have improved mutual communication and prevented her from querying that no action was being taken.

25. Based on the analysis in **paragraphs 22 to 24**, The Ombudsman considers **allegation (2) partially substantiated**.

## **Conclusion**

26. Overall, The Ombudsman considers the complaint **partially substantiated**.

## **Recommendations**

27. We are pleased to note that PMSA has responded positively to our full investigation and has proactively proposed measures to improve its procedures and mechanism for responding to public complaints. This Office has incorporated PMSA's views into this investigation report. Overall, we recommend that PMSA:

### ***For This Case***

- (1) continue to closely follow up and monitor the progress of the investigation into the complainant's case against Company A;
- (2) following (1), provide the complainant with more specific interim and final replies in a timely manner;
- (3) use this case as reference material for staff training to highlight the lessons learned and enhance the standards of complaint handling service;

### ***For General Complaint Cases***

- (4) upon receipt of a complaint and any subsequent new allegations or supplementary information, promptly confirm the scope of the complaint with the complainant;
- (5) properly inform the complainant, through interim replies, that more time may be required to process a case if it is complex or involves new allegations or supplementary information;
- (6) following (5), update the Notice to Complainant accordingly;
- (7) following (5), provide examples to illustrate what constitutes a complex case, such as those involving provisions under the BMO, disputes over the deed of mutual covenant, tendering procedures, judicial or other enforcement proceedings, disciplinary offences or sanctions;
- (8) following (7), consider publishing complaint cases, summary of cases or adapted cases via the website or annual report of PMSA for public and industry reference;
- (9) consolidate statutory requirements, the Notice to Complainant, other reference and complaint handling experience to draw up a set of more comprehensive internal guidelines for compliance by staff;
- (10) consider revising and formulating performance pledges for investigating and responding to complaints based on the complexity of cases, such as prompt replies for simple or screened-out cases and comprehensive timelines for complex cases;
- (11) following (10), announce any revised and newly formulated performance pledges;
- (12) explore the use of mediation to handle simple complaints wherever possible as a feasible solution for resolving complaints swiftly and amicably;

- (13) following (12), consider providing mediation training for staff and encourage them to handle complaints by mediation; and
- (14) following (12), step up publicity and education to raise awareness of the benefits of mediation, and encourage voluntary participation of the public and industry to achieve win-win outcomes.

28. Having accepted our findings in this investigation report, PMSA will implement all the recommendations set out in **paragraph 27**.

**Office of The Ombudsman**  
**August 2025**

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