

**L.N. 87 of 2020**

# **Property Management Services (Licensing and Related Matters) Regulation**

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## **Property Management Services (Licensing and Related Matters) Regulation**

(Made by the Property Management Services Authority under sections 3(1), 15(1), 16(3), 17(2) and 47(8) of, and section 5(1) of Schedule 4 to, the Property Management Services Ordinance (Cap. 626))

### **1. Commencement**

This Regulation comes into operation on 1 August 2020.

### **2. Property management services**

Schedule 1 prescribes property management services for the purposes of section 3(1) of the Ordinance.

### **3. Fees**

Schedule 2 prescribes the fees payable for the matters specified in that Schedule.

### **4. Prescribed information that must be contained in applications for licences and provisional PMP licences, and for renewal of licences**

(1) For the purposes of section 9(1)(b) of the Ordinance, the prescribed information that must be contained in an application for a licence is—

(a) for a PMC licence—

- (i) information on the identity of the applicant;
- (ii) if applicable, information on the identity of the applicant's directors;
- (iii) if applicable, information on the identity of the applicant's partners;

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- (iv) information on the identity of the licensed PMPs engaged by the applicant;
  - (v) contact information of the applicant;
  - (vi) information on whether the applicant is a suitable person to hold the licence, including information on the matters to which the Authority must have regard as referred to in section 11(2) of the Ordinance;
  - (vii) if applicable, information on whether the applicant's directors are suitable persons to be associated with the applicant's business of providing property management services, including information on the matters to which the Authority must have regard as referred to in section 11(4) of the Ordinance;
  - (viii) if applicable, the address, type and number of flats of each property for which property management services are provided by the applicant;
  - (ix) if applicable, the following information of each property for which property management services are provided by the applicant—
    - (A) for a property with an owners' organization—the name and address of the owners' organization; or
    - (B) for a property without an owners' organization—the address of each flat in the property;
  - (x) if a licensed PMC is engaged by the applicant to provide property management services, information on the identity of that licensed PMC;

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- (xi) if the applicant is engaged as a subcontractor to provide property management services, the address and number of flats of each property for which property management services are provided by the applicant as a subcontractor;
  - (xii) if applicable, information on the licensed PMP (Tier 1) appointed by the applicant to show compliance with section 10(d); and
  - (xiii) any other information specified by the Authority; and
- (b) for a PMP (Tier 1) licence or PMP (Tier 2) licence—
- (i) personal and contact information of the applicant;
  - (ii) if applicable, information on the applicant's academic qualifications;
  - (iii) if applicable, information on the applicant's qualifications obtained through the Recognition of Prior Learning mechanism under the Hong Kong Qualifications Framework;
  - (iv) if applicable, information on the applicant's professional qualifications;
  - (v) information on the applicant's relevant work experience in property management;
  - (vi) information on whether the applicant is or was a director of or partner in a licensed PMC;
  - (vii) information on whether the applicant is a suitable person to hold the licence, including information on the matters to which the Authority must have regard as referred to in section 11(3) of the Ordinance;

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- (viii) if applicable, information on the applicant's completion of the course referred to in section 7(1)(a)(ii);
    - (ix) if applicable, information on the applicant's completion of the course referred to in section 8(1)(a)(ii); and
    - (x) any other information specified by the Authority.
  - (2) For the purposes of section 10(1)(b) of the Ordinance, the prescribed information that must be contained in an application for the renewal of a licence is—
    - (a) for a PMC licence—any information specified by the Authority from among the information referred to in subsection (1)(a); and
    - (b) for a PMP (Tier 1) licence or PMP (Tier 2) licence—any information specified by the Authority from among the information referred to in subsection (1)(b).
  - (3) For the purposes of section 2(2)(c) of Schedule 4 to the Ordinance, the prescribed information that must be contained in an application for a provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence is—
    - (a) the information referred to in subsection (1)(b)(i) to (vi) and (x); and
    - (b) information on whether the applicant is a suitable person to hold a provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence, including information on the matters to which the Authority must have regard as referred to in section 2(4) of Schedule 4 to the Ordinance.

**5. Prescribed documents that must accompany applications for licences and provisional PMP licences, and for renewal of licences**

- (1) For the purposes of section 9(1)(c) of the Ordinance, the prescribed documents that must accompany an application for a licence are—
- (a) for a PMC licence—
    - (i) if applicable, a copy of the certificate of incorporation of the applicant;
    - (ii) if applicable, a copy of the business registration certificate of the applicant and, if applicable, a copy of the certified extracts of information on the business register that relates to the applicant, issued under the Business Registration Ordinance (Cap. 310);
    - (iii) if applicable, documents showing the information on the identity of the applicant's directors such as a copy of the notification of changes of secretary and directors and the latest annual return of the applicant that has been delivered to the Registrar of Companies in accordance with the Companies Ordinance (Cap. 622); and
    - (iv) any other documents specified by the Authority; and
  - (b) for a PMP (Tier 1) licence or PMP (Tier 2) licence—
    - (i) the identity card or passport of the applicant;
    - (ii) if applicable, documents showing the applicant's academic qualifications;

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- (iii) if applicable, documents showing the applicant's qualifications obtained through the Recognition of Prior Learning mechanism under the Hong Kong Qualifications Framework;
  - (iv) if applicable, documents showing the applicant's professional qualifications;
  - (v) documents showing the applicant's relevant work experience in property management;
  - (vi) if applicable, documents showing the applicant's completion of the course referred to in section 7(1)(a)(ii);
  - (vii) if applicable, documents showing the applicant's completion of the course referred to in section 8(1)(a)(ii);
  - (viii) a recent photograph of the applicant in the specifications specified by the Authority;
  - (ix) documents showing the applicant's residential address and, if applicable, correspondence address; and
  - (x) any other documents specified by the Authority.
- (2) For the purposes of section 10(1)(c) of the Ordinance, the prescribed documents that must accompany an application for the renewal of a licence are—
- (a) for a PMC licence—any document specified by the Authority from among the information referred to in subsection (1)(a); and
  - (b) for a PMP (Tier 1) licence or PMP (Tier 2) licence—
    - (i) any document specified by the Authority from among the information referred to in subsection (1)(b); and



- (ii) documents showing compliance with section 11(c).
- (3) For the purposes of section 2(2)(d) of Schedule 4 to the Ordinance, the prescribed documents that must accompany an application for a provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence are the documents referred to in subsection (1)(b)(i) to (v) and (viii) to (x).

**6. Prescribed criteria for holding PMC licences**

For the purposes of sections 9(2)(a)(ii), 10(2)(a)(ii) and 18(1)(a)(ii) of the Ordinance, the prescribed criteria for holding a PMC licence are that the applicant or the licensee—

- (a) engages at least one or is a licensed PMP (Tier 1) who has effective control of the provision of property management services by the applicant or the licensee; and
- (b) engages a number of licensed PMPs that meets the minimum manning ratios that the Authority may from time to time specify.

**7. Prescribed criteria for holding PMP (Tier 1) licences**

(1) For the purposes of sections 9(2)(a)(ii), 10(2)(a)(ii) and 18(1)(a)(ii) of the Ordinance, the prescribed criteria for holding a PMP (Tier 1) licence are that—

- (a) the applicant or the licensee—
  - (i) has, within the 3 years immediately before the date of the application for the PMP (Tier 1) licence, held a provisional PMP (Tier 1) licence; and

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- (ii) has, before the expiry of the provisional PMP (Tier 1) licence, completed a course specified by the Authority;
  - (b) the applicant or the licensee—
    - (i) is a member of a recognized professional body, and if the recognized professional body has different classes, types or divisions of membership (including any class, type or division described in other manners), the applicant or the licensee is also a member of the class, type or division (including the class, type or division described in other manners) that the Authority may from time to time specify;
    - (ii) holds—
      - (A) a bachelor or higher degree or an academic qualification regarded by the Authority as equivalent, in a subject or discipline relating to property management that the Authority may from time to time specify;
      - (B) a bachelor or higher degree or an academic qualification regarded by the Authority as equivalent and not specified by the Authority under sub-subparagraph (A); or
      - (C) any other qualification that is considered acceptable by the Authority; and
    - (iii) has the work experience that the Authority may from time to time specify in property management for properties in Hong Kong;

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- (c) the applicant or the licensee—
- (i) is a member of a recognized professional body, and if the recognized professional body has different classes, types or divisions of membership (including any class, type or division described in other manners), the applicant or the licensee is also a member of the class, type or division (including the class, type or division described in other manners) that the Authority may from time to time specify; and
  - (ii) has, within the 3 years immediately before the date of the application for the PMP (Tier 1) licence, held a PMP (Tier 1) licence; or
- (d) the applicant or the licensee has, within the 3 years immediately before the date of the application for the PMP (Tier 1) licence, held a PMP (Tier 1) licence the issuance of which was based on the criteria referred to in this paragraph or paragraph (a).
- (2) For the purposes of subsection (1)(b)(iii), any years of work experience specified for an applicant or a licensee who holds a qualification referred to in subsection (1)(b)(ii)(B) or (C) must be longer than that specified for an applicant or a licensee who holds a qualification referred to in subsection (1)(b)(ii)(A).
- (3) In this section—
- recognized professional body*** (認可專業團體) means a professional body that the Authority may from time to time recognize.

**8. Prescribed criteria for holding PMP (Tier 2) licences**

(1) For the purposes of sections 9(2)(a)(ii), 10(2)(a)(ii) and 18(1)(a)(ii) of the Ordinance, the prescribed criteria for holding a PMP (Tier 2) licence are that—

- (a) the applicant or the licensee—
  - (i) has, within the 3 years immediately before the date of the application for the PMP (Tier 2) licence, held a provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence; and
  - (ii) has, before the expiry of the provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence, completed a course specified by the Authority;
- (b) the applicant or the licensee—
  - (i) holds—
    - (A) an associate degree or diploma or above or an academic qualification regarded by the Authority as equivalent, in a subject or discipline relating to property management that the Authority may from time to time specify;
    - (B) a bachelor or higher degree or an academic qualification regarded by the Authority as equivalent and not specified by the Authority under sub-subparagraph (A);
    - (C) an associate degree or diploma or above or an academic qualification regarded by the Authority as equivalent and not included in sub-subparagraphs (A) and (B); or
    - (D) any other qualification that is considered acceptable by the Authority; and

- (ii) has the work experience that the Authority may from time to time specify in property management for properties in Hong Kong; or
  - (c) the applicant or the licensee has, within the 3 years immediately before the date of the application for the PMP (Tier 2) licence, held a PMP (Tier 1) licence or PMP (Tier 2) licence.
- (2) For the purposes of subsection (1)(b)(ii), any years of work experience specified for an applicant or a licensee who holds a qualification referred to in subsection (1)(b)(i)(C) or (D) must be longer than that specified for an applicant or a licensee who holds a qualification referred to in subsection (1)(b)(i)(A) or (B).

## 9. Prescribed criterion for holding provisional PMP licences

- (1) For the purposes of section 18(1)(a)(ii) (as applied by section 4(b) of Schedule 4 to the Ordinance) of, and section 2(3)(a)(ii) of Schedule 4 to, the Ordinance, the prescribed criterion for holding a provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence (***provisional PMP licence***) is that the applicant or the holder of the provisional PMP licence has the work experience that the Authority may from time to time specify in assuming a managerial or supervisory role in the provision of property management services for properties in Hong Kong.
- (2) For the purposes of subsection (1), any years of work experience specified for an applicant or a holder of a provisional PMP (Tier 1) licence must be longer than that specified for an applicant or a holder of a provisional PMP (Tier 2) licence.

**10. Prescribed conditions on PMC licences**

For the purposes of sections 9(3) and 10(3) of the Ordinance, the prescribed conditions that may be imposed on a PMC licence are that the licensee must—

- (a) continue to be a suitable person to hold the licence;
- (b) continue to meet the criteria referred to in section 6 for holding the licence;
- (c) display a copy of the licence in a prominent place in each property for which property management services are provided by the licensee;
- (d) appoint at least one licensed PMP (Tier 1) to manage each property for which property management services are provided by the licensee and display in a prominent place in such property the name and licence number of the licensed PMP (Tier 1) appointed;
- (e) state the name and licence number of the licensee clearly and conspicuously on any letter, account, receipt, pamphlet, brochure, advertisement and other documents issued in whatever form by or on behalf of the licensee in the capacity of a licensee;
- (f) submit to the Authority, within the period of time specified by the Authority, the information and documents that the Authority may from time to time specify; and
- (g) not carry on the business of providing property management services under a name other than the name of the licensee stated on the PMC licence.

**11. Prescribed conditions on PMP (Tier 1) licences or PMP (Tier 2) licences**

For the purposes of sections 9(3) and 10(3) of the Ordinance, the prescribed conditions that may be imposed on a PMP (Tier 1) licence or PMP (Tier 2) licence are that the licensee must—

- (a) continue to be a suitable person to hold the licence;
- (b) continue to meet the criteria referred to in the following provision for holding the licence—
  - (i) for a PMP (Tier 1) licence—section 7(1); or
  - (ii) for a PMP (Tier 2) licence—section 8(1);
- (c) complete on or before a date specified by the Authority the number of hours specified by the Authority, of attendance of or participation in, continuing professional development courses or activities that the Authority may from time to time recognize or specify;
- (d) if the licensee is appointed by a licensed PMC to comply with section 10(d)—display in a prominent place in the property for which property management services are provided by the licensee the name and licence number of the licensee;
- (e) state the name and licence number of the licensee clearly and conspicuously on any name card, letter, account, receipt, pamphlet, brochure, advertisement and other documents issued in whatever form by or on behalf of the licensee in the capacity of a licensee; and
- (f) submit to the Authority, within the period of time specified by the Authority, the information and documents that the Authority may from time to time specify.

**12. Prescribed conditions on provisional PMP licences**

For the purposes of section 2(5) of Schedule 4 to the Ordinance, the prescribed conditions that may be imposed on a provisional PMP (Tier 1) licence or provisional PMP (Tier 2) licence (*provisional PMP licence*) are that the holder of the provisional PMP licence must—

- (a) continue to be a suitable person to hold the provisional PMP licence;
- (b) continue to meet the criterion referred to in section 9(1) for holding the relevant provisional PMP licence;
- (c) complete on or before a date specified by the Authority the number of hours specified by the Authority, of attendance of or participation in, continuing professional development courses or activities that the Authority may from time to time recognize or specify;
- (d) state the name and the provisional PMP licence number of the holder clearly and conspicuously on any name card, letter, account, receipt, pamphlet, brochure, advertisement and other documents issued in whatever form by or on behalf of the holder in the capacity of a holder of a provisional PMP licence; and
- (e) submit to the Authority, within the period of time specified by the Authority, the information and documents that the Authority may from time to time specify.



**13. Provision of prescribed information to clients by licensed PMC**

For the purposes of section 16(2) of the Ordinance, the prescribed information that must be provided by a licensed PMC to the PMC's clients and the prescribed manner of providing such information are set out in Schedule 3.

**14. Notification of changes of prescribed matters**

For the purposes of section 17(1) of the Ordinance, the prescribed matters any change in which must be notified by a licensee to the Authority and the prescribed manner of such notification are set out in Schedule 4.

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## Schedule 1

[s. 2]

### Property Management Services

1. Subject to sections 2 and 3 of this Schedule—
  - (a) the services specified in column 3 of the Table in this Schedule are prescribed as property management services; and
  - (b) the category of services to which each of the services belong is set out in column 2 of the Table opposite to that service.
2. The duties and obligations performed by an owner or owners' organization pursuant to the Building Management Ordinance (Cap. 344) are not property management services.
3. A property management service incidental to and necessary for the provision of a property management service under a category of services in column 2 of the Table is regarded as a property management service under that category only.

#### Table

Column 1 Item	Column 2 Category of services	Column 3 Property management services
1.	General management services relating to a property	General services relating to property management provided pursuant to a deed of mutual covenant (except those property management services

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Column 1 Item	Column 2 Category of services	Column 3 Property management services
		corresponding to items 2 to 7) for owners, residents, tenants, users or visitors
2.	Management of the environment of a property	Services for the cleaning, hygiene, landscaping or safety of the environment of a property
3.	Repair, maintenance and improvement of a property	Services for the repair, replacement, maintenance or improvement of a property including the structure and building services installation
4.	Finance and asset management relating to a property	Services for the budgeting, or management of finance, accounts or asset relating to a property
5.	Facility management relating to a property	Services for the management of ancillary facilities in a property (except those property management services corresponding to item 3)
6.	Human resources management relating to personnel involved in the management of a property	Human resources management services in relation to individuals engaged by an owner or owners' organization in the provision of property management services

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Column 1 Item	Column 2 Category of services	Column 3 Property management services
7.	Legal services relating to the management of a property	Legal services, generally referring to the provision of information and advice on the legal aspects, in respect of property management services corresponding to items 1 to 6 (except services provided in the course of practising the profession by a solicitor or counsel or any person employed by the solicitor or counsel and acting in furtherance of that course)

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## Schedule 2

[s. 3]

### Fees

1. For each matter specified in column 2 of the Table in this Schedule, the fee payable is prescribed in column 3 of the Table opposite to the matter.

#### Table

Column 1	Column 2	Column 3
Item	Matter for which a fee is payable	Fee \$
1.	Application for the—	
	(a) issue or renewal of—	
	(i) a PMC licence	500
	(ii) a PMP (Tier 1) licence	100
	(iii) a PMP (Tier 2) licence	100
	(b) issue of a provisional PMP (Tier 1) licence	100
	(c) issue of a provisional PMP (Tier 2) licence	100

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Column 1	Column 2	Column 3
Item	Matter for which a fee is payable	Fee \$
2.	The following matters—	
	(a) issue or renewal, for a period of 36 months, of—	
	(i) a PMC licence	18,000
	(ii) a PMP (Tier 1) licence	3,600
	(iii) a PMP (Tier 2) licence	1,200
	(b) issue of a provisional PMP (Tier 1) licence (for a period of 36 months)	3,600
	(c) issue of a provisional PMP (Tier 2) licence (for a period of 36 months)	1,200
	(d) if a licence is issued or renewed for a period of less than 36 months	Calculated on a pro rata monthly basis (part of a month is taken to be a month)
3.	Extension of licence validity	Calculated on a pro rata monthly basis (part of a month is taken to be a month)

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Column 1	Column 2	Column 3
Item	Matter for which a fee is payable	Fee \$
4.	A copy of the register—	
	(a) each request	100
	(b) per A4 page	2
	(c) per A3 page	4

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## Schedule 3

[s. 13]

### Provision of Prescribed Information to Clients by Licensed PMC

1. Information relating to a property for which a licensed PMC provides property management services that must be provided by the PMC to the PMC's clients and the manner of provision of such information are—
  - (a) Conflict of interests—
    - (i) the prescribed information is, to the best of the knowledge and belief of the PMC, information concerning conflict of interests between the PMC and the PMC's clients; and
    - (ii) the prescribed manner of provision is—
      - (A) either of the following—
        - (I) as soon as reasonably practicable, sending a copy of the prescribed information to the owners' organization of the property;
        - (II) as soon as reasonably practicable, displaying a copy of the prescribed information in a prominent place in the property; and
      - (B) within 31 days after receipt of a request by the PMC's clients and payment of a reasonable copying fee, supplying the PMC's clients with a copy of the prescribed information; and



- (b) Contracts and documents relating to property management—
    - (i) the prescribed information is information in the contracts entered into for or on behalf of the PMC's clients in respect of the supply of goods or services and in other documents relating to the management of the property that the Authority may from time to time specify; and
    - (ii) the prescribed manner of provision is—
      - (A) either of the following—
        - (I) as soon as reasonably practicable, sending a copy of the prescribed information to the owners' organization of the property;
        - (II) as soon as reasonably practicable, displaying a copy of the prescribed information in a prominent place in the property; and
      - (B) within 31 days after receipt of a request by the PMC's clients and payment of a reasonable copying fee, supplying the PMC's clients with a copy of the prescribed information.
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## Schedule 4

[s. 14]

### Notification of Changes

1. Any change of the following matters must be notified by a licensee, within 31 days after the change takes place, to the Authority in writing in the forms specified by the Authority and accompanied by the supporting documents that the Authority may from time to time specify—
  - (a) the particulars provided in a licence application form; and
  - (b) the information relating to the compliance with the criteria for holding a licence and conditions imposed on a licence.

TSE Wai-chuen Tony  
Property Management Services  
Authority

19 May 2020

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## **Explanatory Note**

This Regulation contains 14 sections and 4 Schedules.

2. The Regulation prescribes—
- (a) the property management services falling within the 7 categories of services set out in Schedule 1 to the Property Management Services Ordinance (Cap. 626);
  - (b) the information that must be contained in and the documents that must accompany an application for a PMC licence, PMP (Tier 1) licence, PMP (Tier 2) licence, provisional PMP (Tier 1) licence and provisional PMP (Tier 2) licence;
  - (c) the criteria for holding a PMC licence, PMP (Tier 1) licence, PMP (Tier 2) licence, provisional PMP (Tier 1) licence and provisional PMP (Tier 2) licence;
  - (d) the conditions that may be imposed on a PMC licence, PMP (Tier 1) licence, PMP (Tier 2) licence, provisional PMP (Tier 1) licence and provisional PMP (Tier 2) licence;
  - (e) the fees payable for a PMC licence, PMP (Tier 1) licence, PMP (Tier 2) licence, provisional PMP (Tier 1) licence and provisional PMP (Tier 2) licence and other documents;
  - (f) the information to be provided by a licensed PMC to the PMC's clients and the manners for such provision; and
  - (g) the matters and manner for which a licensee must notify the Property Management Services Authority in writing of any change.