

ESTATE AGENTS ORDINANCE (Chapter 511)

Pursuant to section 30 of the Estate Agents Ordinance, it is hereby notified that the Disciplinary Committee of Estate Agents Authority has exercised the following disciplinary power against the following licensee:—

Licence No. S-395268

Name of Licensee FUNG Sze Nga

Matter Concerned The licensee (i) breached section 13(4) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation; (ii) failed to exercise due care and due diligence to verify whether or not the structures on the roof of the property were unauthorized building works before arranging for the purchaser to sign the provisional agreement for sale and purchase ("PASP"); and (iii) failed to include the roof in the property address of the PASP before arranging for the purchaser to sign the PASP.

Date of Decision 30 November 2015

Decision on Disciplinary Power Exercised

1. In respect of the aforesaid matter (i):—
 - (a) The licensee is reprimanded;
 - (b) The licensee is fined HK\$3,000; and
 - (c) A condition is attached to the licensee's licence requiring the licensee to acquire 12 points from core subjects under the Continuing Professional Development Scheme of the Estate Agents Authority within 12 months, and one of the core subjects must be on land search ("the said core subject") and the points acquired from the said core subject shall not include those acquired under e-Quiz or web-based distance learning.
2. In respect of the aforesaid matter (ii):—
 - (a) The licensee is reprimanded; and
 - (b) A condition is attached to the licensee's licence requiring the licensee to acquire 12 points from core subjects under the Continuing Professional Development Scheme of the Estate Agents Authority within 12 months.
3. In respect of the aforesaid matter (iii):—
 - (a) The licensee is reprimanded; and
 - (b) A condition is attached to the licensee's licence requiring the licensee to acquire 12 points from core subjects under the Continuing Professional Development Scheme of the Estate Agents Authority within 12 months.

Having regard to the principle of totality, the Disciplinary Committee decided that, in respect of paragraphs 1(c), 2(b) and 3(b) above, the licensee is required to acquire a total of 24 points from core subjects (one of which must be on land searches) under the Continuing Professional Development Scheme of the Estate Agents Authority within 24 months, and the following condition is attached to the licence concerned of the licensee:—

'The above-named licensee shall, during the 24 months from 21 December 2015 to 20 December 2017, acquire 24 points from core subjects under the Continuing Professional Development Scheme of the Estate Agents Authority, and one of the core subjects must be on land search ("the said core subject") and the points acquired from the said core subject shall not include those acquired under e-Quiz or web-based distance learning.'