

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-357198

Name of Licensee

WONG Sau Jan

Matter Concerned

The licensee, (i) added a clause with incorrect content with regard to an undischarged building order ('the Order') to the provisional agreement for sale and purchase ('PASP'), as a result of which the liabilities to pay for the costs which might arise from the compliance of the Order remained unascertained; (ii) failed to make proper provisions in the PASP regarding the liabilities to pay for the costs of the Order and/or to discharge the Order and/or failed to advise the purchaser to seek legal advice thereon before arranging for her to enter into the PASP; (iii) failed to advise the purchaser to draw the deposit cheque in favor of the vendor company instead of the signatory personally; and (iv) when arranging for the representative of the party which was a limited company to sign the PASP for and on its behalf, failed to append the chop of the limited company or alternatively had the words 'For and on behalf of (the name of the limited company)' written against the representative's signature.

Date of Decision

25 August 2016

*Decision on Disciplinary
Power Exercised*

1. In respect of the aforesaid matter (i):—
 - (a) The licensee is reprimanded;
 - (b) The licensee is fined HK\$2,000; 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.
2. In respect of the aforesaid matter (ii):—
 - (a) The licensee is reprimanded;
 - (b) The licensee is fined HK\$1,000; 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.
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, and one of the core subjects must be on Estate Agents Ordinance and its subsidiary legislation, Code of Ethics and Practice Circulars ('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.

4. In respect of the aforesaid matter (iv):—
- (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, and one of the core subjects must be on Estate Agents Ordinance and its subsidiary legislation, Code of Ethics and Practice Circulars ('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.

Having regard to the principle of totality, the Disciplinary Committee decided that, in respect of paragraphs 1(c), 2(c), 3(b) and 4(b) above, the licensee is required to acquire a total of 24 points from core subjects (one of which must be on Estate Agents Ordinance and its subsidiary legislation, Code of Ethics and Practice Circulars) 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 12 September 2016 to 11 September 2018, 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 Estate Agents Ordinance and its subsidiary legislation, Code of Ethics and Practice Circulars ('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.'