

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. E-131462

Name of Licensee LAM Mui

Matter Concerned

The licensee, being the sole proprietor of a firm carrying on estate agency business under the name of Lok Fu Property Agency, (i) failed to ensure that the representative signing the tenancy agreement ("TA") in respect of the property concerned for and on behalf of the absent landlord had obtained the absentee's written authorization to do so before arranging for the representative to sign the TA; (ii) failed to advise the tenants of the risks involved in relation to the landlord's failure to provide her address to be inserted into the TA; and (iii) failed to inform the tenants that the two orders registered against the property had not yet been discharged, and/or advise them to seek legal advice on the risk involved in renting the property, before arranging for them to sign the TA.

Date of Decision 8 March 2018

Decision on Disciplinary Power Exercised

1. In respect of the aforesaid matter (i):—
 - (a) The licensee is reprimanded; and
 - (b) A condition is attached to the licensee's licence requiring the licensee to attend and complete activities under the Estate Agents Authority Continuing Professional Development Scheme 'Compliance and Effective Management' category by way of seminars or lectures only and thereby acquire 12 points recognised by the Estate Agents Authority within 12 months, and at least 3 points of which shall be acquired from seminars or lectures on the Estate Agents Ordinance and its subsidiary legislation, Code of Ethics and Practice Circulars subject.
2. In respect of the aforesaid matter (ii):—
 - (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 attend and complete activities under the Estate Agents Authority Continuing Professional Development Scheme 'Compliance and Effective Management' category by way of seminars or lectures only and thereby acquire 12 points recognised by 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 attend and complete activities under the Estate Agents Authority Continuing Professional Development Scheme 'Compliance and Effective Management' category by way of seminars or lectures only and thereby acquire 12 points recognised by the Estate Agents Authority within 12 months.

Having regard to the principle of totality, the Disciplinary Committee decided that, in respect of paragraphs 1(b), 2(c) and 3(b) above, the licensee is required to attend and complete activities under the Estate Agents Authority Continuing Professional Development Scheme

'Compliance and Effective Management' category by way of seminars or lectures only and thereby acquire 24 points recognised by the Estate Agents Authority within 24 months, and at least 3 points of which shall be acquired from seminars or lectures on the Estate Agents Ordinance and its subsidiary legislation, Code of Ethics and Practice Circulars subject, and the following condition is attached to the licence concerned of the licensee:—

'The above-named licensee shall, during the period of 24 months from 26 March 2018 to 25 March 2020, attend and complete activities under the Estate Agents Authority Continuing Professional Development Scheme 'Compliance and Effective Management' category by way of seminars or lectures only and thereby acquire 24 points recognised by the Estate Agents Authority, and at least 3 points of which shall be acquired from seminars or lectures on the Estate Agents Ordinance and its subsidiary legislation, Code of Ethics and Practice Circulars subject.'

20 April 2018

Estate Agents Authority