

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:—

<i>Licence No.</i>	E-066696
<i>Name of Licensee</i>	FUNG Wing Kam
<i>Matter Concerned</i>	The licensee, being the sole proprietor of a firm carrying on estate agency business under the name of Luen Yip Property Estate:— <ol style="list-style-type: none">(i) failed to ensure that the representative signing on behalf of an absent contracting party had obtained written authorization from the latter before arranging for the representative to sign the estate agency agreement (Form 5) with respect to a residential property;(ii) failed to comply with the guidelines issued by the Estate Agents Authority when providing information on the floor area of a residential property in an advertisement;(iii) failed to state clearly and legibly the property number of the property advertised and the date on which the advertisement was issued or updated when preparing or issuing an advertisement;(iv) failed to state clearly the effective and expiry dates of its validity period in the estate agency agreement (Form 5);(v) failed to ensure that the representative signing on behalf of an absent contracting party had obtained written authorization from the latter before arranging for the representative to sign the estate agency agreement (Form 5) with respect to a residential property;(vi) failed to comply with the guidelines issued by the Estate Agents Authority when providing information on the floor area of a residential property in an advertisement; and(vii) failed to state clearly and legibly the property number of the property advertised and the date on which the advertisement was issued or updated when preparing or issuing an advertisement.

Date of Decision 26 April 2024

<i>Decision on Disciplinary Power Exercised</i>	<ol style="list-style-type: none">1. In respect of the aforesaid matter (i):—<ol style="list-style-type: none">(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):—<ol style="list-style-type: none">(a) The licensee is reprimanded; and(b) The licensee is fined HK\$2,000.3. In respect of the aforesaid matter (iii):—<ol style="list-style-type: none">(a) The licensee is reprimanded; and(b) The licensee is fined HK\$3,000.4. In respect of the aforesaid matter (iv):—<ol style="list-style-type: none">(a) The licensee is reprimanded; and(b) The licensee is fined HK\$2,000.
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5. In respect of the aforesaid matter (v):—
 - (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.
6. In respect of the aforesaid matter (vi):—
 - (a) The licensee is reprimanded; and
 - (b) The licensee is fined HK\$2,000.
7. In respect of the aforesaid matter (vii):—
 - (a) The licensee is reprimanded; and
 - (b) The licensee is fined HK\$3,000.

With regard to paragraphs 1(b) and 5(b) above, the condition being attached to the licence concerned of the licensee is as follows:—

'The above-named licensee shall, during the period of 24 months from 14 May 2024 to 13 May 2026, 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 6 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.'