

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-179549
<i>Name of Licensee</i>	LUI Wan
<i>Matter Concerned</i>	The licensee:— <ol style="list-style-type: none"><li>(i) failed to provide a contracting party with a copy of the provisional tenancy agreement ('PTA') as soon as the party had signed it;</li><li>(ii) failed to advise the prospective tenant that the PTA should not contain provisions which are inconsistent with the security of tenure and rent regulation requirements under the Landlord and Tenant (Consolidation) Ordinance (Chapter 7) and the mandatory terms implied for every 'regulated tenancy' in Practice Circular 22-01 (CR);</li><li>(iii) failed to explain to the tenant the meaning of each mandatory term implied for every 'regulated tenancy' as set out in the Schedule 7 to the Landlord and Tenant (Consolidation) Ordinance (Chapter 7);</li><li>(iv) failed to provide the tenant with a copy of the summary mandatory terms implied for every 'regulated tenancy' as set out in the Annex of Practice Circular 22-01 (CR); and</li><li>(v) failed to draw the prospective tenant's attention that it would constitute an offence under the Landlord and Tenant (Consolidation) Ordinance (Chapter 7) ('Ordinance') if the clause related to apportionment of utilities bills is inconsistent of what has been stipulated in the Ordinance.</li></ol>

*Date of Decision* 3 May 2024

<i>Decision on Disciplinary Power Exercised</i>	<ol style="list-style-type: none"><li>1. In respect of the aforesaid matter (i):— The licensee is admonished.</li><li>2. In respect of the aforesaid matter (ii):—<ol style="list-style-type: none"><li>(a) The licensee is reprimanded;</li><li>(b) The licensee is fined HK\$3,000; and</li><li>(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, 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.</li></ol></li><li>3. In respect of the aforesaid matter (iii):—<ol style="list-style-type: none"><li>(a) The licensee is reprimanded; and</li><li>(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.</li></ol></li><li>4. In respect of the aforesaid matter (iv):— The licensee is admonished.</li></ol>
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5. In respect of the aforesaid matter (v): –
- (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 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.

With regard to paragraphs 2(c), 3(b) and 5(c) above, the Disciplinary Committee, having regard to the principle of totality, decided that the following condition is attached to the licence concerned of the licensee:—

'The above-named licensee shall, during the period of 24 months from 21 May 2024 to 20 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.'

14 June 2024

*Estate Agents Authority*