

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-387626
Name of Licensee KWAN Yi Nok
Matter Concerned The licensee:—

- (i) arranged for the transacting party to sign a provisional agreement for sale and purchase ('PASP') with certain essential terms left blank;
- (ii) in handling the sale and purchase transaction of a residential property concerned ('the Property'), failed to provide a transacting party with the copies of the transacting documents as soon as the party had signed them; and
- (iii) in handling the sale and purchase transaction of the Property, arranged for the commission payable by the purchaser to be stated as 1% of the purchase price of the Property on the PASP of the Property, with a view to preventing the vendor from knowing the actual commission payable by the purchaser.

Date of Decision 14 June 2022

Decision on Disciplinary Power Exercised

1. In respect of the aforesaid matter (i):—
 - (a) The licensee is reprimanded;
 - (b) The licensee is fined HK\$5,000; 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.
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 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;
 - (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, and at least 3 points of which shall be acquired from seminars or lectures on the Professional Ethics and Integrity subject.

- (I) With regard to paragraphs 1(b) and 3(b) above, the Disciplinary Committee, having regard to the principle of totality, decided that the licensee is fined HK\$5,000 in total.
- (II) With regard to paragraphs 1(c), 2(b) and 3(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 20 June 2022 to 19 June 2024, 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, 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 at least another 3 points of which shall be acquired from seminars or lectures on the Professional Ethics and Integrity subject.’

15 July 2022

Estate Agents Authority