

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-417205  
*Name of Licensee* TAM Wai Seng  
*Matter Concerned* The licensee, in handling the sale and purchase transaction of a first-hand residential property ('the Property'):—  
(i) failed to bring to the attention of the purchaser before her entering into a provisional agreement for sale and purchase ('PASP') of the Property that the purchase of the Property would be subject to a buyer's stamp duty; and  
(ii) failed to bring to the attention of the purchaser prior to her signing of PASP that, the sale and purchase of the Property would be subject to the ad valorem stamp duty at Scale 1.

*Date of Decision* 21 December 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\$12,000; 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;
  - (b) The licensee is fined HK\$12,000; 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 1(c) and 2(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 12 months from 28 December 2022 to 27 December 2023, 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, 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.

*Remarks*

The licensee has lodged an appeal under section 31 of the Estate Agents Ordinance against the aforesaid decision of the Disciplinary Committee of the Estate Agents Authority.

*20 January 2023*

*Estate Agents Authority*