

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-382979

*Name of Licensee*

LAM Lam Kwan

*Matter Concerned*

The licensee, being the sole proprietor of a firm carrying on estate agency business under the name of On Properties Company:—

- (i) in handling a tenancy transaction of a residential property, arranged for a transacting party to sign the provisional tenancy agreement with certain essential terms left blank;
- (ii) (Same as above);
- (iii) failed to ensure that the representative signing on behalf of the absent party had obtained written authorization from the latter before arranging for the representative to sign the provisional tenancy agreement and formal tenancy agreement, and the releasing of the keys of the residential properties to the said representative;
- (iv) when arranging for the representative of the transacting party which was a limited company to sign the provisional tenancy agreement for and on its behalf, failed to ascribe the representative's name below the representative's signature and failed to append the chop of the limited company or alternatively had the words 'For and on behalf of (the name of the limited company)' written against the representative's signature; and
- (v) (Same as above).

*Date of Decision*

28 July 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\$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 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, 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.

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, 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.
  4. In respect of the aforesaid matter (iv):—
    - (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.
  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.
- (I) With regard to paragraphs 1(b) and 2(b) above, the Disciplinary Committee, having regard to the principle of totality, decided that the licensee is fined HK\$2,000 in total.
  - (II) With regard to paragraphs 1(c), 2(c), 3(b), 4(b) and 5(b) 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 2 August 2022 to 1 August 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.'