

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-260555
Name of Licensee FAN Kai Yu
Matter Concerned The licensee:—

- (i) failed to disclose to the purchaser the loss of title deeds of a residential property ('the Property') and the possible risks involved ('the said matter and risks') and/or failed to remind the purchaser to seek legal advice on the said matter and risks before the provisional agreement for sale and purchase ('PASP') of the property was entered into;
- (ii) breached section 13(4) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation; and
- (iii) arranged for the purchaser to sign the PASP without filling in the identity card number of the vendor.

Date of Decision 15 August 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\$25,000; 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 24 months, and at least 3 points of which shall be acquired from seminars or lectures on the Conveyancing and Tenancy subject, and at least another 3 points of which shall be acquired from seminars or lectures on the Professional Ethics and Integrity subject.
2. In respect of the aforesaid matter (ii):—
 - (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 24 months, and at least 3 points of which shall be acquired from seminars or lectures on the land search subject.
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 24 months.

- (I) With regard to paragraphs 1(b), 2(b) and 3(b) above, the Disciplinary Committee, having regard to the principle of totality, decided that the licensee is fined HK\$25,000 in total.
- (II) With regard to paragraphs 1(c), 2(c) 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 22 August 2022 to 21 August 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 12 points recognised by the Estate Agents Authority, and at least 3 points of which shall be acquired from seminars or lectures on the Conveyancing and Tenancy subject, at least another 3 points of which shall be acquired from seminars or lectures on the Professional Ethics and Integrity subject, at least another 3 points of which shall be acquired from seminars or lectures on the land search subject.’

16 September 2022

Estate Agents Authority