

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-477569

Name of Licensee LEE Kwai Chun

Matter Concerned The licensee:—

- (i) failed to specify in a provisional agreement for sale and purchase ('PASP') the commission payable by the purchasers to agent and the total amount of commission payable by them in the event of their default before arranging for the purchasers to sign the same; and
- (ii) told the purchasers to ignore an order of unauthorized building works ('Order') which had not been complied with, or arranged for them to sign an addendum to waive the vendor's liability to discharge the Order when they were unaware of the risks involved before proceeding with the sale and purchase transaction to sign the PASP.

Date of Decision 21 September 2023

Decision on Disciplinary Power Exercised 1. In respect of the aforesaid matter (i):—

- (a) The licensee is reprimanded;
- (b) The licensee is fined HK\$7,000;
- (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
- (d) The licensee's licence is suspended for a period of 3 weeks.

2. In respect of the aforesaid matter (ii):—

- (a) The licensee is reprimanded;
- (b) The licensee is fined HK\$3,000;
- (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
- (d) The licensee's licence is suspended for a period of 3 weeks.

(I) With regard to paragraphs 1(c) and 2(c) above, the following condition is attached to the licence concerned of the licensee:—

'The above-named licensee shall, during the period of 24 months from 26 September 2023 to 25 September 2025, 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.'

- (II) With regard to the suspension sanctions in paragraphs 1(d) and 2(d) above, the licensee's licence will be suspended for a period of 6 weeks from 21 October 2023 to 1 December 2023 (both dates inclusive). Provided that an appeal is filed within the period of 21 days beginning on the date of the 'Notice of Decision', the commencement date of such suspension period shall be such date as shall further be notified to the licensee by the Disciplinary Committee or the Appeal Tribunal.

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 October 2023

Estate Agents Authority