

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-351938
Name of Licensee NGAN Ting Hin
Matter Concerned The licensee:—

- (i) misrepresented to the purchaser prior to arranging for the purchaser to enter into the provisional agreement for sale and purchase ("PASP") of a first-hand property ("the Property") that it could be used for specific non-industrial purpose without having to apply to the Lands Department for any temporary waiver and pay any fee, when in fact it was not true; and
- (ii) before arranging for the purchaser to sign the PASP, failed to remind the purchaser to seek legal and/or professional advice related to the permitted use of the Property when the occupation permit had yet to be issued.

Date of Decision 16 January 2024

Decision on Disciplinary Power Exercised

1. In respect of the aforesaid matter (i):—
 - (a) The licensee is reprimanded;
 - (b) The licensee is fined HK\$10,000; 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 First Sale of Residential Properties 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 12 months.

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

'The above-named licensee shall, during the period of 24 months from 5 February 2024 to 4 February 2026, 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, and at least 3 points of which shall be acquired from seminars or lectures on the First Sale of Residential Properties subject.'