

LegCo Panel on Housing

Follow-up action arising from meeting held on 7 May 2001

Proposed amendment to the Estate Agents (Licensing) Regulation
(Cap. 511)

Administration to explain the difference between “estate agent” and “salesperson” in terms of their licencing credentials and qualifying examinations.

Administration’s Response -

There are two types of individual licences – one for estate agents (annual licence fee of \$2,880) and the other for salespersons (annual licence fee of \$1,840). All applicants for an individual licence have to be aged 18 or above and have completed Form 5 or equivalent. They also have to fulfill the fit and proper criterion¹. To be licenced, they have to pass the relevant Qualifying Examination or complete a specified training course in the case of applicants who are senior practitioners².

2. There are two Qualifying Examinations – one for the estate agent’s licence and the other for the salesperson’s licence. The two Qualifying Examinations overlap in their syllabi but the syllabus for the Qualifying Examination for Estate Agents covers a wider range of materials and requires greater depth of knowledge than the one for Salespersons.

3. If an applicant is a senior practitioner, he/she may complete a specified training course in lieu of passing the examination. Training courses specified for salesperson’s licences consist of not less than 30 hours of instruction while those for estate agents are not less than 80 hours in duration, covering the same scopes of materials as for the respective examinations.

Notes

¹ In determining whether a person is fit and proper for the purpose of holding a salesperson's / an estate agent's licence, the Estate Agents Authority (the Authority) shall have regard to the following –

- (a) the fact that the person is an undischarged bankrupt, or has, within the 5 years immediately prior to the day on which the Authority considers, or, where appropriate, begins to consider the matter, made a composition or scheme of arrangement with his creditors;
- (b) the fact that the person is a director or officer of a company which is for the time being disqualified under this Ordinance for holding a licence, or was a director or officer of that company at the date when the company was so disqualified;
- (c) the fact that the person is a mentally disordered person or a patient within, in either case, the meaning of section 2 of the Mental Health Ordinance (Cap. 136);
- (d) any conviction, whether in Hong Kong or elsewhere, of the person for any offence (other than an offence under this Ordinance), being a conviction as regards which it was necessary to find that the person acted fraudulently, corruptly or dishonestly; and
- (e) any conviction of the person under this Ordinance in respect of which he has been sentenced to imprisonment, whether the sentence is suspended or not.

[ss. 19(2) & 21(3) of the Estate Agents Ordinance, Cap. 511]

² “Senior practitioner” means an individual who has done estate agency work in Hong Kong for a period or periods totalling at least 6 years within the period of 7 years immediately before 1 January 1999.