

L.N. 29 of 2009**ESTATE AGENTS (LICENSING) (AMENDMENT)
REGULATION 2009**

(Made by the Estate Agents Authority, with the approval of the Secretary for Transport and Housing, under section 56 of the Estate Agents Ordinance (Cap. 511) and section 29 of the Interpretation and General Clauses Ordinance (Cap. 1))

1. Commencement

This Regulation comes into operation on 1 May 2009.

2. Interpretation

Section 2 of the Estate Agents (Licensing) Regulation (Cap. 511 sub. leg. A) is amended by adding—

““authorized reduction amount” (獲准扣減款額) means, in relation to an estate agent’s licence or a salesperson’s licence, the amount set out in the third column in Schedule 3 opposite to the licence;

“concession period” (寬免期) means the period beginning on 1 May 2009 and ending on 30 April 2010;”.

3. Sections added

The following are added—

**“5A. Prescribed fees for licences commencing
during concession period**

(1) Section 5(1) does not apply in relation to the grant or renewal of an applicable licence.

(2) Subject to subsection (3), the fee prescribed for the grant or renewal of an applicable licence is calculated in accordance with the following formula—

original fee – concession amount.

(3) If, after a concession amount is permitted for the purpose of calculating a fee under this section, the aggregate of every concession amount so permitted, and every amount refunded under section 5B, for the estate agent’s licence, or the salesperson’s licence, exceeds the authorized reduction amount for that licence, the fee prescribed for the grant or renewal of that licence shall increase by the amount of the excess.

(4) Section 5(2) and (3) applies to a fee prescribed under this section as it applies to a fee prescribed under section 5(1).

(5) In this section—

“applicable licence” (適用牌照) means an estate agent’s licence, or a salesperson’s licence, the term of which commences on a date falling within the concession period;

“concession amount” (寬免款額)—

(a) in relation to an applicable licence for not less than 12 months but not more than 24 months, means the authorized reduction amount for the licence; or

(b) in relation to an applicable licence for less than 12 months, means the portion of the authorized reduction amount for the licence that the number of applicable months bears to 12;

“number of applicable months” (適用月份數目) means—

(a) the number of months for which the applicable licence is granted or renewed; or

(b) if that number of months is not a whole number, that number of months rounded up to the next whole number;

“original fee” (原定費用) means the fee that, but for subsection (1), would have been prescribed for the grant or renewal of the applicable licence under section 5(1).

5B. Refund of licence fees

(1) This section applies if—

(a) a person has applied and paid the prescribed fee for the grant or renewal of an estate agent’s licence, or a salesperson’s licence before 1 May 2009;

(b) the licence is granted to or renewed in favour of the person under the Ordinance; and

(c) the licence is valid during the concession period or any part of it.

(2) The Authority shall, on application by the person, make a refund of the prescribed fee paid for the grant or renewal of the licence or a portion of that fee.

(3) Subject to subsection (4), the amount to be refunded is the portion of the authorized reduction amount for the licence that the number of valid months bears to 12.

(4) If, after a refund is made under this section, the aggregate of every concession amount permitted for the purposes of section 5A, and every amount refunded under this section, for the estate agent’s licence, or the salesperson’s licence, exceeds the authorized reduction amount for that licence, the amount of the refund shall be reduced by the amount of the excess.

(5) An application for the purposes of subsection (2) may only be made during the concession period.

(6) In this section—
“number of valid months” (有效月份數目) means—

(a) the number of months for which the licence is valid during the concession period; or

(b) if that number of months is not a whole number, that number of months rounded up to the next whole number.

(7) For the purposes of this section, an estate agent’s licence, or a salesperson’s licence, is not valid during the period when it is suspended under section 27 or 30 of the Ordinance.”.

4. Schedule 3 added

The following is added—

“SCHEDULE 3

[s. 2]

AUTHORIZED REDUCTION AMOUNT

Item	Licence	Amount \$
1.	Salesperson’s licence	640
2.	Estate agent’s licence (individual) — for individual estate agent	1,005
	<u>plus</u> — for operation of a sole proprietorship/partnership under each business name at one place of business	1,060
	<u>plus</u> — for operation of each additional place of business under each business name	1,060
3.	Estate agent’s licence (company) — for operating under one business name—	
	(a) at one place of business	1,400
	(b) at each additional place of business	1,060
	<u>plus</u> — for operating under each additional business name—	
	(a) at one place of business	1,400
	(b) at each additional place of business	1,060”.

Vivien CHAN
Chairman,
Estate Agents Authority

23 February 2009

Explanatory Note

This Regulation amends the Estate Agents (Licensing) Regulation (Cap. 511 sub. leg. A) (“the principal Regulation”) to give effect to the concession of fees for an estate agent’s licence and a salesperson’s licence.

2. Section 3 adds a new section 5A to the principal Regulation. The new section 5A prescribes the fees for the grant or renewal of an estate agent’s licence or a salesperson’s licence commencing during the period from 1 May 2009 to 30 April 2010. The fees are lower than the fees prescribed under section 5 of the principal Regulation.

3. Section 3 also adds a new section 5B to the principal Regulation. The new section 5B provides for the refund of the fees paid before 1 May 2009 for an estate agent’s licence or a salesperson’s licence that is valid during any part of the period from 1 May 2009 to 30 April 2010.

4. Sections 2 and 4 add new definitions and a new Schedule to the principal Regulation respectively, with which the new sections 5A and 5B are to be read.