

香港特別行政區政府  
The Government of the Hong Kong Special Administrative Region

政府總部  
運輸及房屋局  
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Mr Kelvin Lee Ka-yun  
Assistant Legal Advisor  
Legal Service Division  
Legislative Council Secretariat  
Legislative Council Building  
8 Jackson Road,  
Central, Hong Kong

Dear Mr Lee,

**Estate Agents (Licensing) (Amendment) (No. 2) Regulation 2009  
(L.N. 181)**

Thank you for your letter of 20 October 2009, requiring us to provide information on the questions raised by a Legislative Council Member.

At present, an individual from the Mainland may apply to the Estate Agents Authority (EAA) for an estate agent's licence to engage in estate agency work in Hong Kong if he has completed Hong Kong's education level of Form 5 and passed the Qualifying Examination for Estate Agents (the Qualifying Examination) of EAA. These are also the requirements for local individuals.

Likewise, an individual from Hong Kong may apply to the China Institute of Real Estate Appraisers and Agents (中國房地產估價師與地產經紀人學會) (the Institute) for the "certificate of registration for real estate agents" (房地產經紀人註冊證) to engage in estate agency work in the Mainland if he has, among other things, completed Mainland's education level of tertiary education or above and passed the 房地產經紀人執業資格考試 of the Institute. These are also the requirements for Mainland's local individuals.

The Mainland and Hong Kong Closer Economic Partnership Arrangements (CEPA) Main Text signed in 2003 provided for the mutual recognition of professional qualifications between the Mainland and Hong Kong. EAA and the Institute signed a Memorandum of Understanding in January 2009, with a view to entering into a formal agreement to implement a scheme to give mutual recognition to each other's professional estate agent qualifications (the Scheme).

Under the Scheme, the Institute will exempt Hong Kong estate agents nominated by EAA from the tertiary educational qualification requirement and the 房地產經紀人執業資格考試, whereas EAA will exempt Mainland estate agents nominated by the Institute from the Qualifying Examination. The nominated estate agents from each side will be required to attend a tailor-made course and pass a tailor-made examination organized by the other side and be granted the licences by the other side upon passing the examination.

The completion of the course provided by EAA for Mainland estate agents nominated by the Institute under the Scheme, and the passing of the examination set by EAA under the Scheme, do not fall under any item of the existing prescribed educational qualifications for estate agent's licence as stipulated in section 7 of the Estate Agents (Licensing) Regulation (Cap. 511 Sub. Leg. A) (the Licensing Regulation). It is therefore necessary to amend the Licensing Regulation to make these two requirements the prescribed educational qualifications for Mainland estate agents nominated by the Institute under the Scheme.

If Members require further information, please let me know.

Yours sincerely,

( Eugene Fung )  
for Secretary for Transport and Housing