

**Subcommittee on
Estate Agents (Licensing) (Amendment) (No.2) Regulation 2009**

**List of follow-up actions arising from the discussion
at the meeting on 2 November 2009**

At the meeting on 2 November 2009, the Administration was requested to provide written responses to the following concerns raised at the meeting:

- (a) The need to specify in the Amendment Regulation the exclusivity of the tailor-made course to be organized by the Estate Agents Authority (EAA) to candidates nominated by the China Institute of Real Estate Appraisers and Agents (CIREA).
- (b) As regards EAA's jurisdiction and the effect of the Amendment Regulation,
 - (i) whether under the existing legislation, EAA could regulate the conduct of an EAA licensed Hong Kong estate agent who carried out estate agency work in the Mainland for a Mainlander who, based on misrepresentation made by the said agent in the Mainland, purchased a Hong Kong property and signed the relevant purchasing agreement in Hong Kong;
 - (ii) in relation to (i), whether there would be any change in the mode of regulation after the implementation of the Amendment Regulation;
 - (iii) whether under the Amendment Regulation, EAA could regulate the conduct of licensed Hong Kong or Mainland estate agents who carried out estate agency work in the Mainland for Hong Kong people purchasing Mainland properties;
 - (iv) whether the Amendment Regulation could regulate the conduct of EAA licensed Mainland estate agents who carried out estate agency work in the Mainland for Mainlanders purchasing Hong Kong properties, and whether CIREA would revoke the licence of such a Mainland estate agent if he/she was found to have provided misrepresented information in the Mainland or Hong Kong.
 - (v) whether the EAA licence of a Mainland estate agent would be revoked if he was absent and did not provide a defence for his alleged misconduct while practising in Hong Kong or in the Mainland.
- (c) The legal basis, apart from section 5(b) of the Estate Agents Ordinance (Cap. 511), for EAA to nominate eligible candidates (up to 300 for the first year) to apply for estate agent licences to be granted by CIREA, and details of the system based on which EAA would make the nomination.