

Legislative Council Brief

Estate Agents Ordinance (Cap. 511)

ESTATE AGENTS PRACTICE (GENERAL DUTIES AND HONG KONG RESIDENTIAL PROPERTIES) (AMENDMENT) REGULATION 2009

Introduction

In exercise of the power under section 56(1)(k) of the Estate Agents Ordinance (Cap. 511) (the Ordinance), the Estate Agents Authority (EAA), with the approval of the Secretary for Transport and Housing (STH), proposes to make the Estate Agents Practice (General Duties and Hong Kong Residential Properties) (Amendment) Regulation 2009 (the Amendment Regulation), at the Annex, to bring in the necessary changes to the prescribed sources of property information as stipulated under Form 1 and Form 2 of the Schedule to the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation (the Regulation) (Cap. 511 sub. leg. C).

Annex

Justifications

2. Licensed estate agents are required to provide, through prescribed sources, various types of property information as prescribed under Form 1 (Property Information Form) to property buyers, and Form 2 (Leasing Information Form) to lessees.

3. It is stipulated in Form 1 and Form 2 of the existing Regulation that the “Rating and Valuation Department (Info-Hotline Service)” is one of the prescribed sources of information for the “saleable area” and “year of completion” of properties.

4. Given that a specific information system may be replaced by another one with time to keep pace with practical needs and technological advancement, we propose that the “Rating and Valuation Department” (RVD), instead of a specific service of RVD, be named as the source of

information for the “saleable area” and “year of completion” of properties. This is in line with the other parts of Form 1 and Form 2 which specify the names of the department/organizations (e.g. Land Registry and Buildings Department (BD)) but not a specific service as the prescribed sources of information.

5. BD has been one of the prescribed sources of information for the “year of completion” and “user restrictions” of properties. While this is explicitly stated in Form 1, it is not stated correspondingly in Form 2. The Amendment Regulation will add BD as a prescribed source of information for the “year of completion” and “user restrictions” of properties in Form 2.

The Amendment Regulation

6. The Amendment Regulation amends the Schedule to the Regulation by replacing “Rating and Valuation Department (Info-Hotline Service)” with “Rating and Valuation Department” in Form 1 and Form 2, and adding BD as a prescribed source of information for the “year of completion” and “user restrictions” of properties in Form 2.

Legislative Timetable

7. The legislative timetable is as follows:

Publication in the Gazette	9 October 2009
Tabling at the Legislative Council	14 October 2009
Effective date of the Amendment Regulation	7 December 2009

Publicity

8. The EAA will inform the estate agency sector of the changes to the prescribed sources of information through established channels.

Enquiries

9. Enquiries on this brief should be addressed to Mr Eugene Fung, Principal Assistant Secretary for Transport and Housing (Housing) (Private Housing) at 2761 5039.

**Transport and Housing Bureau
October 2009**

File Ref.: HD/PH 5/6/4

**ESTATE AGENTS PRACTICE (GENERAL DUTIES
AND HONG KONG RESIDENTIAL PROPERTIES)
(AMENDMENT) REGULATION 2009**

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

1. Commencement

This Regulation comes into operation on 7 December 2009.

2. Forms

(1) The Schedule to the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation (Cap. 511 sub. leg. C) is amended in Form 1, in the Notes, in note 11, in item B, by repealing “(Info-Hotline Service)”.

(2) The Schedule is amended in Form 2, in Part B, in item 3, in the column “Prescribed source (see note 9)”, by repealing “A/B*” and substituting “A/B/E*”.

(3) The Schedule is amended in Form 2, in Part B, in item 4, in the column “Prescribed source (see note 9)”, by repealing “A” and substituting “A/E*”.

(4) The Schedule is amended in Form 2, in the Notes, in note 9, in item B, by repealing “(Info-Hotline Service)”.

(5) The Schedule is amended in Form 2, in the Notes, in note 9, by adding –

“E: Buildings Department”.

Chairman,
Estate Agents Authority

Explanatory Note

This Regulation amends the Schedule to the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation (Cap. 511 sub. leg. C) in order to –

- (a) replace Rating and Valuation Department (Info-Hotline Service) with Rating and Valuation Department as a prescribed source of information in Form 1 (“Property Information Form”) and Form 2 (“Leasing Information Form”) of the Schedule; and
- (b) add Buildings Department as a prescribed source of information in the Leasing Information Form.