

L.N. 329 of 1998

ESTATE AGENTS (EXEMPTION FROM LICENSING) ORDER

(Made by the Estate Agents Authority, with the approval of the Secretary for Housing, under section 3 of the Estate Agents Ordinance (Cap. 511))

1. Commencement

This Order shall come into operation on 19 November 1998.

2. Exemption for estate agents and salespersons dealing exclusively with properties outside Hong Kong

A person who does anything referred to in section 15 or 16 of the Ordinance shall be exempted from the requirement for obtaining an estate agent's licence or a salesperson's licence if he---

- (a) does so exclusively in relation to properties outside Hong Kong; and
- (b) states in all his letters, accounts, receipts, pamphlets, brochures and other documents and in any advertisement that he is not licensed to deal with any property situated in Hong Kong.

3. Dormant partner not required to hold estate agent's licence

(1) Notwithstanding section 15 of the Ordinance, any person who is a member of a partnership carrying on an estate agency business shall be exempted from the requirement for obtaining an estate agent's licence if---

- (a) he is not engaged in the partnership business as an estate agent;
- (b) he is not an unfit person; and
- (c) at least one other member of that partnership is a licensed estate agent.

(2) In this section, "unfit person" (不適當的人) means---

(a) a person who---

(i) in the case of an individual, 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 whether he is an unfit person, made a composition or scheme of arrangement with his creditors;

(ii) in the case of a company, is in liquidation or is the subject of a winding-up order, or in relation to whom there is a receiver appointed, or who has, within the 5 years specified in subparagraph (i), entered into a composition or scheme of arrangement with its creditors;

(b) a person who is a director or officer of a company which is for the time being disqualified under the Ordinance for holding a licence, or was a director or other officer of that company at the date when the company was so disqualified;

(c) a person who is a mentally disordered person, or a patient, within the meaning

of section 2 of the Mental Health Ordinance (Cap. 136);

(d) a person who has been convicted, whether in Hong Kong or elsewhere, of any offence (other than an offence under the Ordinance), as regards which conviction it was necessary to find that the person acted fraudulently, corruptly or dishonestly; or
(e) a person who has been convicted of an offence under the Ordinance in respect of which he has been sentenced to imprisonment, whether the sentence is suspended or not.

Marvin CHEUNG Kin-tung

Chairman,

Estate Agents Authority

13 October 1998

Explanatory Note

This Order exempts the following persons from the requirement for obtaining a licence---

(a) estate agents and salespersons dealing exclusively with properties outside Hong Kong subject to the condition that he states in his trade documents and advertisements that he is not licensed to deal with properties situated in Hong Kong;

(b) any member of a partnership carrying on an estate agency business where the member is neither engaged in that business as an estate agent nor an unfit person and at least one other member of the partnership is a licensed estate agent.