

L.N. 17 of 2000

Estate Agents (Registration of Determination and Appeal) Regulation
(Made by the Estate Agents Authority, with the approval of the
Secretary for Housing, under sections 49(3) and 56(1)
of the Estate Agents Ordinance (Cap. 511))

1. Commencement

This Regulation shall come into operation on 1 March 2000.

2. Interpretation

In this Regulation, unless the context otherwise requires---
"Court" (法院) means the District Court;

"determination" (裁定) means a determination by the Authority under
section 49 of the Ordinance but does not include an interim,
interlocutory or partial determination;

"register" (登記冊) means the Register of Civil Actions of the Court;

"Registrar" (司法常務主任) means the Registrar of the Court.

3. Appeal against determination

(1) For any appeal under section 50 of the Ordinance, a
party must, within the time specified in that section, file with the
Court a notice of appeal in Form 1 of Schedule 1, specifying the
grounds of the appeal and the reasons in support of such grounds, and
pay the fee specified in Schedule 2.

(2) The Chief Executive Officer shall supply to the
Registrar the documents in his custody relating to the claim, which
shall include a certified copy of the record of determination
proceedings referred to in section 29 of the Estate Agents
(Determination of Commission Disputes) Regulation (Cap. 511 sub. leg.).

(3) On receipt of the documents referred to in subsection
(2), the Registrar shall fix a date and place for the hearing of the
appeal and serve notices of hearing on both parties to the appeal.

4. Registration of determination

(1) Where a determination is made and the period within
which to appeal under section 50 of the Ordinance has expired, the
Authority shall, on the application of either party to the
determination and on payment by such party of the fee as specified in
Schedule 2, supply to him a certificate of determination in Form 2 of
Schedule 1 and a copy thereof.

(2) The Registrar shall on the production of such
certificate of determination and a copy thereof to him within 12 months
of the date of the determination, or such period as may be extended by
the Registrar, register the certificate in the register.

5. Fees

(1) The fees specified in Schedule 2 shall be payable in
respect of proceedings relating to the issue and registration of
certificate of determination and appeal.

(2) Save and except item 1 in Schedule 2, the Registrar may
reduce, remit or defer payment of any fee specified in Schedule 2 as he

may think fit in any particular case and shall, if he exercises this power, endorse on the relevant document a note of the reduction, remission or deferment and of the reasons therefor.

SCHEDULE 1 [ss. 3 & 4]

FORM 1
IN THE DISTRICT COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
D.C.E.A. No. of
IN THE MATTER OF THE ESTATE
AGENTS ORDINANCE (Chapter 511)
NOTICE OF APPEAL

Claim No.

Between

Appellant: (Name)
(Address)

and

Respondent: (Name)
(Address)

I/We* (name)

do hereby appeal against the determination by the Estate Agents Authority made on the day of , a copy of which is attached, pursuant to section 50 of the Estate Agents Ordinance (Cap. 511).

The grounds for this appeal are---

- 1.
- 2.
- 3.

Dated this day of

(signature of appellant)

Lodged this day of

Registrar
L.S.

* Delete if inappropriate.

Note: No appeal shall lie from a determination of the Estate Agents Authority after the expiry of 14 days from the date of such determination.

FORM 2
ESTATE AGENTS ORDINANCE
(Chapter 511)
CERTIFICATE OF DETERMINATION
Claim No.

Between

*Claimant: (Name)

(Address)

and

*Respondent: (Name)
(Address)

It is hereby certified that the above claim is determined by this Authority on the day of on terms as set out in the copy of determination attached.

Dated this day of

Estate Agents Authority
TO THE REGISTRAR, DISTRICT COURT

The above certificate is presented by me/us** , (name) , for registration in accordance with section 4 of the Estate Agents (Registration of Determination and Appeal) Regulation (L.N. 17 of 2000)***.

Dated this day of

(signature of party presenting
certificate for registration)

The above certificate is registered in the District Court.

Dated this day of

Registrar
L.S.

*** Insert full name and address of each claimant and respondent.

*** Delete if inappropriate.

*** The certificate must be presented for registration within 12 months from the date of determination (or such period as may be extended by the Registrar).

SCHEDULE 2 [ss. 3, 4 & 5]

Fees

Item	Particular	Fee
	\$	
1.	(a) Issue of certificate of determination, including one copy	20
	(b) Each additional copy	10
2.	Registration of a determination with the Court	20
3.	Filing of notice of appeal in the Court	630
4.	Copy of document in the register and certification for each page or portion of a page	5

Marvin CHEUNG Kin-tung
Chairman,
Estate Agents Authority

14 January 2000

Explanatory Note

This Regulation provides the procedures for---

- (a) the registration of determination of the Estate Agents Authority with the District Court under section 52 of the Estate Agents Ordinance (Cap. 511); and
- (b) the lodging of an appeal to the District Court pursuant to section 50 of the Ordinance.