

Legislative Council Brief

ESTATE AGENTS (REGISTRATION OF DETERMINATION AND APPEAL) (AMENDMENT) REGULATION

A Subsidiary Legislation to be made under the Estate Agents Ordinance (Cap. 511)

Purpose

To brief Members on the Estate Agents (Registration of Determination and Appeal) (Amendment) Regulation (the “Amendment Regulation”) which will be published in the Gazette on 5 January, 2001.

Background and Briefing

2. The Estate Agents Ordinance (Cap. 511) (“the Ordinance”), enacted in May 1997, provides for the setting up of the Estate Agents Authority (“the Authority”) to, inter alia, determine commission disputes referred to it by estate agents and their clients.

3. The Estate Agents (Registration of Determination and Appeal) Regulation (“the Regulation”) was passed by the Legislative Council and became effective on 1 March 2000. The Regulation sets out, inter alia, the fees payable in respect of proceedings relating to the issue and registration of certificate of determination and appeal.

4. It is Government policy that fees should in general be set at levels sufficient to recover the full cost of providing the services. Most

Government fees and charges have been frozen since February 1998 as an exceptional measure to ease the burden on the community at a time of economic setback. With the recent growth in the Gross Domestic Product, the Administration consulted the LegCo Panel on Financial Affairs on 13 April 2000 on the proposed revision of various fees not directly affecting people's livelihood. Because of the diverse nature of fees involved, Members suggested and the LegCo House Committee agreed on 14 April 2000 that the Administration should consult the relevant subject LegCo Panels on whether and if so how the fees under their respective purview should be adjusted.

5. The fees relating to the registration of a determination, filing of notice appeal and the copying and certification of document in the register of the District Court were introduced in March 2000. Based on the Judiciary's latest costing, the existing fees for judicial services in general recover about 92% of the costs at 2000-01. It is therefore proposed to increase the fees by an average of 8.5% to achieve full-cost recovery. The LegCo Housing Panel was consulted on 5 June 2000 and there was no objection to the fee revision proposal.

6. The Amendment Regulation revises the fees set out in Schedule 2 to the Regulation as follows -

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SCHEDULE 2

FEES

<i>Item</i>	<i>Particular</i>	<i>Existing Fee</i> (\$)	<i>Proposed Fee</i> (\$)
2.	Registration of a determination with the Court	20	22
3.	Filing of notice of appeal in the Court	630	685
4.	Copy of document in the register and certification for each page or portion of a page	5	5.5

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Commencement

7. The amendment will take effect on 1 March 2001.

Consultation

8. The Estate Agents Authority were consulted and there was no objection to the proposed fee revision.

Enquiry

9. Members may address any enquiries about the Amendment Regulation to Ms Lorna WONG, Principal Assistant Secretary of the Housing Bureau at 2509 0290.

Housing Bureau

Government Secretariat

January 2001

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