

LN147E

Estate Agents (Licensing) (Amendment)

Regulation 2001

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

1. Commencement

This Regulation shall come into operation on 1 January 2002.

2. Prescribed fees

Section 5(1) of the Estate Agents (Licensing) Regulation (Cap. 511 sub. leg.) is amended by repealing "third column" and substituting "third or fourth column (as the case may be)".

3. Educational qualifications and experience for licensees

Section 7 is amended---

(a) in subsection (1), by adding---

"(aa) where he applies for the grant of a licence of the same type as the one that he has held, he complies with the requirements mentioned in subsection (4A); or
(ab) where he applies for the grant of a salesperson's licence, he complies with the requirements mentioned in subsection (4B); or
(ac) where he applies for the grant of an estate agent's licence, he complies with the requirements mentioned in subsection (4C); or";

(b) by adding---

"(4A) The requirements referred to in subsection (1)(aa) are---

(a) the applicant makes the application within the relevant period; and

(b) where the licence that he has held was granted or renewed subject to the requirement to comply with the relevant condition on or before a date specified in the licence, he has fulfilled that requirement.

(4B) The requirements referred to in subsection (1)(ab) are---

(a) the applicant---

(i) holds an estate agent's licence; or

(ii) has held an estate agent's licence and makes the application within the relevant period; and

(b) where the licence that he holds or has held (as the case may be) was granted or renewed subject to the requirement to comply with the relevant condition on or before a date specified in the licence, he has fulfilled that requirement.

(4C) The requirements referred to in subsection (1)(ac) are---

- (a) the applicant---
- (i) holds a salesperson's licence; or
 - (ii) has held a salesperson's licence and makes the application within the relevant period; and
- (b) (i) the licence that he holds or has held (as the case may be) was granted under subsection (1)(a), or was so granted and renewed under subsection (1)(c); and
- (ii) he has at any time passed a qualifying examination for estate agents;
- or
- (c) (i) the licence that he holds or has held (as the case may be)---
- (A) was granted under subsection (1)(b)(i), or was so granted and renewed under subsection (1)(c); or
 - (B) was granted or renewed subject to the requirement to comply with the relevant condition on or before a date specified in the licence, and he has fulfilled that requirement; and
- (ii) (A) he has at any time passed a qualifying examination for estate agents;
- or
- (B) where he is a senior practitioner, he has completed a training course for estate agents on or before 31 December 2001; or
- (d) the licence that he holds or has held (as the case may be) was granted under subsection (1)(b)(ii), or was so granted and renewed under subsection (1)(c).

(4D) In subsection (4C)(b) and (c), "qualifying examination for estate agents" (地產代理資格考試) and "training course for estate agents" (地產代理訓練課程) respectively mean a qualifying examination and a training course specified by the Authority as such pursuant to subsection (5).

(4E) For the purposes of subsections (4A), (4B) and (4C), a person makes an application for the grant of a licence within the relevant period if the application is made within 24 months from---

- (a) where the licence that the person has held was suspended---
- (i) subject to subparagraph (ii), the date on which the suspension took effect;
 - (ii) if the suspension had ceased to have effect before the licence expired, the day following the expiration of the licence;
- (b) in any other case, the day on which the licence ceased to be valid, whether by reason of its expiration or otherwise."

4. Section substituted

Section 9 is repealed and the following substituted---

"9. Period of validity of licence

(1) Subject to subsection (2), a licence shall be granted or renewed for a period of either 12 months or 24 months, as the applicant chooses, from the date on which

it is granted or renewed (as the case may be).

(2) The Authority may in its discretion grant or renew a licence for a lesser period than that mentioned in subsection (1).".

5. General conditions imposed on licensees

Section 14(1) is amended---

(a) by repealing paragraph (b)(i) and (ii) and substituting---

"(i) the number of his licence or the relevant statement of particulars of business;"

(b) in paragraph (c), by repealing ", (ii)".

6. Forms

Schedule 1 is amended by repealing all the forms except Form 7, and substituting the following respectively---

7. Schedule 2 amended

Schedule 2 is amended by repealing item 1 and substituting---

"1. Grant or renewal of a licence (Per 12 months) (Per 24 months)

(a) Salesperson's licence 1,470 2,860

(b) Estate agent's licence
(individual)

--- for individual estate 2,300 4,480
agent

plus

--- for operation of a sole 2,430 4,730
proprietorship/

partnership under each

business name at one

place of business

plus

--- for operation of each 2,430 4,730

additional place of

business under each

business name

(c) Estate agent's licence

(company)

--- for operating under

one business name---

(i) at one place of 3,200 6,240

business

(ii) at each additional 2,430 4,730

place of business

plus

--- for operating under

each additional

business name---

(i) at one place of 3,200 6,240

business

(ii) at each additional 2,430 4,730

place of business

Where a licence is granted or renewed for a period of less than 12 months, the licence fee payable shall be calculated by multiplying one-twelfth of such fee as set out in the third column as is appropriate by the number of months for which the licence is granted or renewed (part of a month shall be reckoned as a month).

Where a licence is granted or renewed for a period of more than 12 months, the licence fee payable shall be calculated by multiplying one-twenty fourth of such fee as set out in the fourth column as is appropriate by the number of months for which the licence is granted or renewed (part of a month shall be reckoned as a month).".

Marvin Cheung Kin-tung

Chairman,

Estate Agents Authority

19 June 2001

Explanatory Note

This Regulation amends the Estate Agents (Licensing) Regulation (Cap. 511 sub. leg.) to---

- (a) facilitate former licensees in obtaining licences, and to facilitate licensees in obtaining licences of the other type (section 3);
- (b) increase the maximum validity period of licences from 12 months to 24 months (section 4);
- (c) modify the requirement of licensed estate agents in stating information on document issued by him or on his behalf (section 5);
- (d) revise certain prescribed forms (section 6); and
- (e) reduce licence fees (sections 2 and 7).