

Circular

Circular No. 05-03 (CR)

Identification of Personnel at First-Sales Site

With a view to ensuring the good behaviour of practitioners and preventing unlicensed estate agency work at property first-sales sites, the following reminders are given to practitioners and estate agency companies:

(A) Individual practitioners to wear Estate Agent Card and Employee Card at first-sales site

The Estate Agents Ordinance stipulates that an individual shall not perform estate agency work unless he or she is a licensed estate agent or salesperson.

Since 1st April 2003, estate agent cards have been issued by the Estate Agents Authority (EAA) to all estate agents and salespersons holding valid licences. This enables practitioners to be conveniently identified by the public as persons licensed to carry out estate agency work. Besides, many licensees hold an employee card issued by their employer.

With a view to enabling the more effective carrying out of inspection work at first-sales sites, the EAA would urge all practitioners to co-operate in **wearing their estate agent card and employee card whenever on duty at first-sales sites**. This will save substantial time for both EAA staff and practitioners in the carrying out of inspection work, and facilitate the detection of any estate agency work being performed by unlicensed persons. This will also enable prospective clients to distinguish easily between licensees and non-licensees, and between employees of different estate agency companies, thus enhancing protection of consumers' interest.

(B) Estate agency companies to keep record of staff deployed at first-sales site

Section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation ("Practice Regulation") provides that a licensed estate agent shall establish proper procedures or systems to supervise and manage his business of doing estate agency work to ensure that his employees or persons under his control comply with the provisions of the Ordinance.

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ESTATE AGENTS AUTHORITY

In recent years, there have been a substantial number of cases involving either proven or suspected misconduct by practitioners in relation to the marketing of first-sale properties. Examples of such misconduct are the creation of nuisance to residents or passers-by in the neighbourhood, offences under the Road Traffic Ordinance, etc. There have also been cases of contravention of the Estate Agents Ordinance involving the conducting of estate agency work by unlicensed persons. Such cases could tarnish the public image of the estate agency sector as a whole, and impact on public confidence in the standard of service of the trade.

With a view to preventing unlawful behaviour at first-sale sites, the Authority has in the past requested estate agency companies to provide information about the total number and the identities of their employees deployed at a particular first-sale site on any particular day. However, it appeared that many estate agency companies engaged in first-sale work did not have any proper system of recording the total number or identities of their employees deployed at a particular first-sale site (whether or not coming from branches in that particular neighbourhood) on any particular day. The Authority takes the view that such failure by estate agency companies, in fact, could amount to a breach of section 15 of the Practice Regulation.

Given the above, all estate agency companies are hereby reminded that, pursuant to section 15 of the Practice Regulation, they are expected to establish and maintain an effective and reliable system whereby a record will be kept of all employees deployed at a particular first-sale site on any particular day. In the event of the Authority investigating any incident of suspected unlawful behaviour at a first-sale site, such a record should be made readily available to the Authority upon request. Any failure by an estate agency company to do so could amount to a breach of section 15 of the Practice Regulation, giving rise to possible disciplinary action.

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This Circular should be made available for the
information of all staff engaged in estate agency work