

**Rules and Conditions for**  
**CPD Mark for Estate Agencies Award Scheme**  
**(Last updated: December 2012)**

**Introduction**

1. Estate Agents Authority (“EAA”) launched its Continuing Professional Development (CPD) Scheme on a voluntary basis in May 2005 to enhance the competence of estate agency practitioners and to keep their professional knowledge up to date.
2. To encourage the participation of the CPD Scheme by individual licensees, the EAA will present a Certificate of Attainment and a CPD Attainment Symbol to individual practitioners who have acquired the point requirement in a CPD period in recognition of their self-enrichment efforts and support for the CPD Scheme.
3. In addition, the EAA will award a CPD Mark for Estate Agencies (地產代理商舖專業進修嘉許獎章) to encourage participation of the CPD Scheme by agency firms.

**Objectives**

4. The aim of the award of the CPD Mark for Estate Agencies (“CPD Mark”) is to strengthen public confidence and the protection of consumers through building professionalism and encouraging best practice among practitioners.

**Rules and Conditions for the award of CPD Mark**

5. Holders of Statement of Particulars of Business (SPOB) with 80% or more of their employed licensees (amongst which there must be the branch manager<sup>1</sup>) (“80% criterion”) as at the 1<sup>st</sup> day of October of each year, having been awarded the CPD Attainment Certificate for the CPD periods immediately preceding their current individual CPD periods may apply for the award of a CPD Mark through the submission of a Voluntary Declaration Form for CPD Mark for Estate Agencies.
6. The CPD Mark will be valid for one year, from 1 January to 31 December of the following year (“the validity year”). To ensure that their application for the CPD Mark would be processed before 1 January the following year, holders of SPOB should submit a Voluntary Declaration Form for CPD Mark for Estate Agencies to the EAA between 1 October and 1 November each year.
7. For the purpose of the declaration, each licensee can only claim to be an employee of one SPOB as of the declaration date in each year.
8. The declaration is voluntary.

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<sup>1</sup> i.e. the manager appointed for the purpose of s. 38 of EAO

9. The holders of SPOB will be issued with a CPD Mark decal in recognition of their self-enrichment efforts and staunch support for the CPD Scheme. The SPOB holders issued with the CPD Mark (“CPD Mark holders”) may, during the validity year, display the CPD Mark decal at their respective business addresses and print the CPD Mark on their pamphlets, brochures, and other documents and materials issued by them. The CPD Mark holders will also be entitled to print the CPD Mark on the business cards of their employees issued by them.
10. CPD Mark holders and their individual licensed employees must comply with the rules and conditions set out herein. Non-compliance of the rules and conditions set out herein or incorrect or false declaration made to the EAA by any SPOB holder or its licensed employees would lead to suspension or termination of the use of CPD Mark, in addition to any disciplinary action the EAA may take against the SPOB holder or its licensed employees.
11. The EAA may carry out random inspection of estate agencies’ records to ascertain the accuracy of the information given in the declaration forms e.g. Certificate of CPD Attainment of the licensed employees, employment records, etc.

### **Suspension and Termination of the use of CPD Mark**

12. Notwithstanding anything herein mentioned, the EAA may, at its sole and absolute discretion and without assigning any reason therefor, terminate or suspend the right to use the CPD Mark by any CPD Mark holder. In such an event, the CPD Mark holder concerned must immediately and unconditionally cease using the CPD Mark and shall forthwith: -
  - (a) remove the CPD Mark decal from their business addresses and cease using and procuring their employees to cease using any pamphlets, brochures, documents, materials, or business cards which bear the CPD Mark;
  - (b) cease to hold out to the public in any way that they are holders of the CPD Mark; and
  - (c) return to the EAA all CPD Mark decals.

### **Display or use of CPD Mark decal and CPD Mark**

#### *Display of CPD Mark decal*

13. CPD Mark holders may, within the validity period of the CPD Mark, display the CPD Mark decal at their business address. No amendments or modifications to the design and layout is permitted.

#### **Use of CPD Mark**

14. The CPD Mark may be reduced or enlarged proportionately for printing on pamphlets, brochures, documents, materials and business cards of the employees of CPD Mark holders, but no change to the design and layout is permitted.

15. The CPD Mark must be printed in its original colour or in black.
16. There is no validity period for printing the CPD Mark on pamphlets, brochures, documents, materials and business cards of the employees of CPD Mark holders provided that the year in which the CPD Mark is obtained (i.e. the year of declaration) must be indicated below the CPD Mark on these prints. All subsequent years in which a CPD Mark is obtained may also be printed in chronological order below the CPD Mark. Any year in which the use of the CPD Mark has been suspended or terminated for whatever reason cannot be printed.
17. There is no restriction on which part of the business cards, pamphlets, brochures, documents or materials is printed.
18. Subject to the permission herein granted, copyright of the CPD Mark and ownership of the CPD Mark decal belongs to the EAA.

### **Indemnity**

19. CPD Mark holders shall indemnify and keep the EAA and its agents fully and effectually indemnified against any loss, damage, claim or liability of whatever nature or kind whether or not resulting from the negligence of the EAA or its agents which they or any one or more of them may incur or suffer directly or indirectly arising from, in connection with or as a result of any default or negligence by CPD Mark holders in complying with these rules and conditions; or as a result of any dispute between the CPD Mark holder and its customers; or any claim or complaint made by its customers, or otherwise as a result of the holder of SPOB being a CPD Mark holder; or any of the representations, warranties or declarations made by the CPD Mark holders being untrue, inaccurate, incomplete or misleading. This provision shall survive suspension and termination of the right to use the CPD Mark.

### **Non-liability and waiver**

20. The EAA shall accept no responsibility or liability whatsoever in relation to any dealings between CPD Mark holder, its licensed employees and customers, or otherwise arising as a result of the holders of SPOB being CPD Mark holders or their suspension or cessation to be CPD Mark holders. This provision shall survive suspension or termination of the right to use the CPD Mark.
21. By applying for the CPD Mark award voluntarily, holders of SPOB and their individual licensed employees are deemed to have agreed to expressly, unconditionally and absolutely waive all their rights and claims against the EAA and its agents, in relation to the CPD Mark award.

## **Handling of information**

22. Holders of SPOB are obliged to supply information pertaining to their shops' information and individual licensed employees' personal data as required in the declaration form. It shall be the absolute obligation of the holders of SPOB to procure and obtain the consent of their licensed employees to participate in the CPD Mark for Estate Agencies Award Scheme and to the supply of their personal data by the holders of SPOB on the declaration forms. The EAA will use the personal data provided in the declarations for the following purposes –

- (a) processing the application;
- (b) enforcing or complying with the Estate Agents Ordinance (Chapter 511); and
- (c) in research and statistics.

23. The personal data provided by holders of SPOB and individual licensed employees in the declaration forms will be handled in accordance with the provisions contained in the Personal Data (Privacy) Ordinance (Chapter 486). Individual employees have the right to access and correct any personal data provided by writing to the Data Protection Officer of the EAA.

## **Application Procedure**

24. "Voluntary Declaration Form for CPD Mark for Estate Agencies" and "Rules and Conditions for the CPD Mark for Estate Agencies Award Scheme" are available at the EAA office and on the EAA website.

25. Holders of SPOB are required to submit the original of the completed and signed declaration form to the EAA's Professional Development Section (48/F, Hopewell Centre, 183 Queen's Road East, Wanchai, Hong Kong) in person or by post.

## **Enquiry**

Tel: 2111 2777 (Continuing Professional Development Scheme)

Fax: 2152 3600

Website: <http://www.eaa.org.hk/>