

ESTATE AGENTS AUTHORITY
Personal Particulars / Confidential

IV. Complaint details (Please provide the details of the incident e.g. date, time, place and parties involved and relevant documents.) Please use a separate sheet if the space provided is insufficient.

V. Declaration

I hereby declare — The information that I have provided in this form is true to the best of my knowledge and belief.

Warning : Complainant must provide true and accurate information to the best of his/her knowledge and belief, failing which there may be legal consequences. Besides, under Section 55(1)(j) of the Estate Agents Ordinance, Cap 511, any person who, without reasonable excuse, obstructs the EAA or any person in the exercise or performance of any of its or his functions commits an offence.

Signed by Complainant

Date

VI. Notes

1. Any claim for damages caused by misconduct or breach of duty of the licensees is not within the EAA's jurisdiction and the complainant should pursue it through legal proceedings by himself. As to the parties' rights, liabilities and claims vis-a-vis each other or a third party, the complainant is advised to seek legal and/or other professional advice to protect his own interest. The EAA will not give legal advice to the complainant or the agent on their civil disputes.
2. Where any matter substantially or closely related to the complaint is being investigated by other law enforcement agencies (for example, the Police is investigating the matter), or is being or about to be tried or litigated (for example, the court will give a ruling on the matter), the EAA may not deal with the complaint until the parallel investigation or judicial proceedings are over so as not to prejudice such parallel investigation or judicial proceedings.
3. The EAA carries out its function to regulate and control the practice of estate agents and salespersons in the course of conducting estate agency work. After-sales services (such as arranging for the payment of stamp duty or the refund of rental deposits to tenants upon expiration of the tenancy agreements) are generally not considered as estate agency work.
4. If the complaint investigation by the EAA reveals any possible commission of any crime or offence or breach of any law, the EAA may refer the matter to the Police, the ICAC, other law enforcement agencies or relevant government authorities (e.g. Housing Authority, Sales of First-hand Residential Properties Authority, Lands Department, Buildings Department, Stamp Office etc.) for investigation, without notifying the parties concerned.
5. If the complainant fails to or is not willing to provide his personal particulars, or he is not directly involved in the case, or for whatever reason, he is unable to provide any sufficient and substantive evidence, the EAA will, based on the limited information provided, consider if it is possible to pursue the case. In this regard, the EAA will classify the complainant as an "informant" and will not disclose the progress and/or the result of the case to the informant due to privacy and confidentiality.
6. Information provided by the complainant will only be used for purposes which are related to the complaint. If the complainant is unwilling to testify as a witness, the information provided by the complainant is insufficient for pursuing the case, there has been a long lapse of time and the complainant is unable to recall the event and supply evidence, or the complainant cannot be reached by the EAA for further information, the EAA will not be able to deal with the complaint.
7. All personal data submitted by the complainant may be transferred to parties who will be involved in the processing of the complaint and the undertaking of disciplinary proceedings, or to such persons and agencies who are authorized to receive information relating to undertaking disciplinary action, law enforcement, prosecution, review of decision or carrying out the functions of the EAA under the Ordinance.