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ESTATE AGENTS AUTHORITY

Dear Licensees,

**Re: Unlicensed Estate Agency Work**

The EAA recently received a complaint that a property management company had instructed its caretakers to conduct unlicensed estate agency work by collecting information pertaining to the sale / purchase / lease of properties from residents who wish to acquire or dispose of their properties and pass the information collected to estate agencies for a referral fee. The EAA is now investigating the complaint.

Estate agency work, as defined in section 2 of the Estate Agents Ordinance (“EAO”), has a wide meaning. The EAA takes the view that referral of clients to estate agencies for the sale, purchase or lease of properties in Hong Kong in the course of business may fall within the definition of “estate agency work” under the EAO, and as such, the person / company engaging in the referral work is required to hold a licence under the EAO.

In connection with the above, the EAA has issued a letter to property management companies reminding them not to cause caretakers or other staff, who are not licensed estate agents or salespersons, to refer clients to estate agencies because such work may involve unlicensed estate agency work, and that under the EAO, a person conducting unlicensed estate agency work and a licensed estate agent employing unlicensed persons to carry out such work may respectively commit a criminal offence.

The EAA takes this opportunity to remind licensees not to engage in activities which may involve unlicensed estate agency work carried out by caretakers or staff of property management companies in contravention of the EAO. Licensees should also note that offering any advantage (e.g. fee / commission) to caretakers or staff of property management companies for referral of business may contravene the Prevention of Bribery Ordinance (Cap. 201).

Estate Agents Authority

12 December 2012