

CONTROLLING OFFICER'S REPLY

THB(H)014

(Question Serial No. 0783)

Head: (62) Housing Department

Subhead (No. & title): (000) Operational expenses

Programme: (2) Private Housing

Controlling Officer: Permanent Secretary for Transport and Housing (Housing)
(Agnes WONG)

Director of Bureau: Secretary for Transport and Housing

Question:

Please provide the following in the past 3 years:

1. the statistics on complaints, prosecutions, convictions and sentencing in relation to the suspected contravention of the Residential Properties (First-hand Sales) Ordinance; and
2. the numbers, with a breakdown by reason, of complaints against estate agents, sanctions, suspended licences and revoked licences.

Asked by: Hon CHENG Chung-tai (LegCo internal reference no.: 89)

Reply:

1. From 2018 to 2020, the statistics on complaints, prosecutions, convictions and sentencing in relation to the suspected contravention of the Residential Properties (First-hand Sales) Ordinance (Cap. 621) are as follows:

	2018	2019	2020
No. of complaints	35	58	22
No. of prosecution cases	1	2	4
No. of convicted cases	1	2	4
Sentence of convicted cases	Fined \$320,000	Fined \$50,000 and \$100,000 respectively	Fined ranging from \$40,000 to \$80,000 respectively

2. According to the information provided by the Estate Agents Authority (EAA), the number of complaints against estate agents received by the Authority from 2018 to 2020 and the number of licensees subject to sanctions categorised by reasons of complaints during the same period are listed in **Annex**. Since there are many reasons of complaints, only the 4 main reasons are listed and the rest are shown as “Other reasons”. Sanctions imposed on licensees include admonishment, reprimand, fine, attachment of conditions to licence, suspension of licence and/or revocation of licence; more than one sanction may be imposed on the same licensee.

The number of licences being suspended and revoked from 2018 to 2020 is listed in the following table. The EAA does not have statistics on the number of licences suspended and revoked by reason, and suspension or revocation of licences may not necessarily involve complaints.

	2018	2019	2020
No. of licences suspended	24	18	13
No. of licences revoked	41	55	41

2018-2020
Number of complaints received by EAA
and number of licensees subject to sanctions

2018

	Reasons of complaints	Number of complaints	Number of licensees subject to sanctions#
1	Improper handling of the provisional agreement for sale and purchase / provisional agreement for lease	69	25
2	Issue of non-compliant advertisements	20	36
3	Provision of inaccurate or misleading property information (for example, property area and usage restriction)	35	6
4	No signing of estate agent agreement with clients	19	9
5	Other reasons	163	83
	Total	306	159

2019

	Reasons of complaints	Number of complaints	Number of licensees subject to sanctions#
1	Improper handling of the provisional agreement for sale and purchase / provisional agreement for lease	74	25
2	Issue of non-compliant advertisements	56	16
3	Provision of inaccurate or misleading property information (for example, property area and usage restriction)	28	10
4	No signing of estate agent agreement with clients	28	7
5	Other reasons	113	67
	Total	299	125

2020

	Reasons of complaints	Number of complaints	Number of licensees subject to sanctions#
1	Improper handling of the provisional agreement for sale and purchase / provisional agreement for lease	60	23
2	Issue of non-compliant advertisements	79	58
3	Provision of inaccurate or misleading property information (for example, property area and usage restriction)	41	6
4	No signing of estate agent agreement with clients	10	1
5	Other reasons	137	33
	Total	327	121

Since more than 1 sanction may be imposed on the same licensee, the figures may duplicate.

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