

Property Practice Training Course ('PPTC') - Information Brochure

Object of the PPTC

Non-Chinese speaking property practitioners in Hong Kong have long been handicapped by the lack of comprehensive training courses conducted in English so essential for them to advance their careers. Prospective (and current) property owners wishing to learn more about their legal rights and obligations as an owner may also suffer the same fate.

The 16-session PPTC is to fill the void, and it consists of two modules:

- (1) a 10-session *property law fundamentals (Module 1)* for people interested in the rights and obligations of Hong Kong property ownership, whether as estate agents, property managers, landlords, journalists etc. ;
- (2) a 6-session *estate agency practice (Module 2)* on agency law and practice for students aiming for a career in property after completing Module 1.

PPTC, launched in 2005, will cover both the *estate agents* and *salespersons qualifying examination* syllabi of the Estate Agents Authority (note: a salesperson can only practise as an employee).

Our Tutor

Mr. Stanley To was admitted as a solicitor in Hong Kong in 1997 and joined the Estate Agents Authority ("EAA") at its inception in 1998. During his seven years with EAA his duties included :

- establishing the original qualifying examination system in 1999, launching the CPD scheme in May 2005 and overhauling the estate agents qualifying examination later in the same year;
- setting up and implemented the (now defunct) EAA commission determination (i.e. arbitration) function – he remains the sole arbitrator in the history of EAA to date;
- taking charge of the complaints and enforcement functions as Regulatory Affairs Controller – investigating offences under the *Estate Agents Ordinance* before referring them to the police or ICAC, and conducting disciplinary proceedings including representing EAA at disciplinary appeals.

He retired from the (then Royal) Hong Kong Police Force in 1995, after 24 years' service, to pursue a career in law. One of his last police duties was to take charge of junior officers' examinations and practical training at the Police Training School. He had taught property management and estate agency law courses for HKU SPACE for two decades beginning 1997, and was an adjunct lecturer.

In 1974 he was the first police officer to study at the Chinese University of Hong Kong on police scholarship (to read *Government and Public Administration*), and also earned their MBA in 1984. In 2006 he also earned the Master of Laws (Human Rights) degree of the University of Hong Kong.

He is secretary of the Hong Kong Institute of Estate Agents www.hkiea.hk.

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Course Contents

(i) Property law fundamentals - Module 1 (10 sessions):

1. Hong Kong Legal System
 - a. sources of Hong Kong law and court system
 - b. law fundamentals: contract, tort and equity.
2. Land law essentials
 - a. Hong Kong land law: leasehold system and land grant, easements, undivided shares, consent scheme, property users
 - b. land registration and land information
3. Property Transactions
 - a. conveyancing essentials: land agreements and title issues, co-ownership, sub-sale, mortgages (only brief coverage of First Sale)
 - b. tenancy essentials: common tenancy agreements, lease registration, covenants
 - c. property related levies
4. Related property issues
 - a. home Ownership and related schemes
 - b. 'Ding UK' under the *New Territories Small House Policy*
 - c. deed of mutual covenants, owners corporation and *Building Management Ordinance*
 - d. business entities – formation and practice

(ii) Estate agency practice – Module 2 (6 sessions):

5. Outline of agency law
 - a. *agent* versus *estate agent* under common law
 - b. scope of authority of agent
6. Licensing Regime in Hong Kong
 - a. statutory regime and licensing requirements
 - b. supervisory, compliance and enforcement issues; agency commission
7. Practice Regulation
 - a. scope and main compliance issues
 - b. prescribed forms for residential properties
 - c. provisional agreement for sale and purchase and related issues
8. Supervisory and other issues
 - a. powers of attorney
 - b. stakeholding of deposits
 - c. data privacy
 - d. corruption by agents
 - e. equal opportunities
 - f. employment issues and the Employment Ordinance
9. Valuation, land assembly and saleable area (Part of Module 1)

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Points to note :

- (i) The scope of the PPTC is broader than the syllabi of the qualifying examinations, and for good reasons. In DCCJ 209/2007 an estate agent sued for failing to ascertain the user of a bowling alley defended on the ground that the EAA syllabus only required candidates to 'demonstrate *awareness* (as opposed to *basic knowledge* or *actual understanding*) of the laws and technical concepts relating to change in use of buildings'. The Court rejected the defence and said:
- '100. In my view, reference to the syllabus mentioned above has limited value. The syllabus sets out the depth of knowledge that the candidates are expected to demonstrate in the examination so as to obtain the qualification. This can **hardly be the yardstick** against which the **reasonable care and skill expected of a licensed estate agent in the business is measured. Getting qualified for the licence through the examination is not equivalent to all the training and experience that the estate agent in the business possesses** ;*
- (ii) HKIEA is an independent *non award issuing* institution and the PPTC is *not mandatory* for any examination. Self-study material can be downloaded for free from www.eaa.org.hk. The PPTC is *not covered* under EAA's training subsidy scheme/Government's Continuing Education Fund;
- (iii) to fully benefit from the course, after each session students need to *study for a few hours to analyse the legal issues raised in the keypoints quiz, and to partake in the tutorial at the start of the next session*. The *Keypoints Quiz Sampler* may help students to gauge the kind of study effort required of them. Time-stretched students may find these efforts demanding. That said, students missing one or two sessions should be able to catch-up if they keep submitting the quizzes by e-mail on schedule;
- (iv) that students coming from disparate background may learn at different pace is at the heart of our curriculum design. We aim to bring students up to the same level of attainment at the end of the course irrespective of their educational background or previous experience. Remedial sessions may be provided to students in need;
- (v) our teaching materials comprise original legal resources and we claim copyright regarding their selection and compilation etc. Material distributed and opinion expressed are for teaching and illustration only, thus *no substitute for proper legal advice*;
- (vi) pertinent legal and compliance topics will be covered. Examination practice will be provided, but only after the substantive matters are learned. The course is independent of the EAA and, while covering the full syllabus, *cannot anticipate* what issues will be examined. *Students interested in examination coaching only should take note*;
- (vii) while the PPTC is open to anyone and EAA imposes no pre-requisites or residence requirements for sitting the examinations, intended overseas practitioners are advised to acquaint themselves with authentication of non-Hong Kong educational qualification: <http://www.eaa.org.hk/en-us/Licensing/Educational-qualifications> . For conditions of stay please see: http://www.eaa.org.hk/Portals/0/Sections/CC/20191101_Letter_to_licensees_eng.pdf.

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