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“這兩份通告的內容較為複雜，但正正反映這兩個議題的重要性，因此持牌人應盡量仔細閱讀，尤其是已上載到監管局網站的相關「問與答」。”

“Both circulars are quite complicated as both topics are important. Hence, licensees are advised to read them in detail, especially the sets of Questions & Answers which have already been uploaded to the EAA’s website.”

## 監管局最近發出的兩份新指引 ABOUT TWO NEW PRACTICE CIRCULARS THAT THE EAA RECENTLY ISSUED

最近，監管局推出了兩份新的執業指引，包括有關遵守反洗錢及恐怖分子資金籌集規定的新執業通告(編號18-01(CR))，以及有關處理香港境外未建成物業的執業通告(編號17-03(CR))。兩份通告分別於2018年3月1日及4月1日生效。

其實，就物業交易涉及的洗錢或恐怖分子資金籌集的風險而言，香港地產代理在物業交易所扮演的角色有限，與其他司法地區的地產代理不同，香港地產代理並非代表客戶收取訂金或樓款的託管代理，而只是擔當買方與賣方的中間人，安排物業視察及簽署臨時買賣合約。然而，鑑於《打擊洗錢及恐怖分子資金籌集條例》已將本港地產代理行業納入規管範圍內，加上財務特別行動組織即將於年內來港，以評估不同界別就反洗錢議題上所執行的措施是否符合國際標準，監管局遂發出指引，希望地產代理能與其他專業界別和其他國家的地產代理一樣，達到國際專業標準。

至於另一份有關處理香港境外未建成物業的執業通告(編號17-03(CR))，筆者已不下一向業界提醒，境外物業交易極為複雜，希望持牌人留意，作為持牌地產代理，應詳盡了解新通告的要求，包括就賣方及有關物業進行盡職審查、取得由物業所在地的執業律師所發出的法律意見、賣方就廣告及宣傳物品所載資料的準確性及完整性的明確書面批署等等，亦要留意廣告當中不可使用一些令人認為購買境外未建成物業是「安全」、「低風險」或「無風險」等字眼。持牌人可細閱今期的「焦點話題」內更詳盡的介紹。

監管局將會加強消費者教育，並建議消費者如要購買境外未建成物業，最好委託持牌地產代理。

筆者明白，上述這兩份通告的內容較為複雜，但正正反映這兩個議題的重要性，因此持牌人應盡量仔細閱讀，尤其是已上載到監管局網站的相關「問與答」。局方除了會舉辦更多相關的持續專業進修講座外，也會製作海報及單張，以教育持牌人及普羅大眾。

The EAA issued two new practice circulars recently about the guidelines on Compliance of Anti-Money Laundering and Counter-Terrorist Financing Requirements (No. 18-01 (CR)) and the Sale of Uncompleted Properties Situated outside Hong Kong (No. 17-03 (CR)), which was effective on 1 March 2018 and will be effective on 1 April 2018 respectively.

In so far as money-laundering or terrorist-financing risks in property transactions are concerned, the role played by estate agents in property transactions is limited. Unlike estate agents in other jurisdictions, estate agents in Hong Kong do not act as escrow agents for receiving deposits or proceeds on behalf of clients but simply as a middleman between purchasers and vendors in arranging property inspections and the signing of provisional agreements for sale and purchase. However, as the Anti-Money Laundering and Counter-Terrorist Financing Ordinance has already been extended to the estate agency trade of Hong Kong, and considering that the Financial Action Task Force will be coming to Hong Kong this year to evaluate the standard on combating money laundering of different sectors, the EAA issued guidelines for the trade to follow in regard to meeting the international standard of estate agents of other countries.

With regard to the other practice circular on the Sale of Uncompleted Properties Situated outside Hong Kong (No. 17-03 (CR)), I have been continuously reminding the trade that the transaction of overseas properties is very complicated. I hope licensees will read the requirements of this new circular thoroughly, including the requirement to perform due diligence on the vendor and the relevant properties; to seek legal opinion issued by a lawyer practising in the place where the properties are situated in; to obtain the vendor's express endorsement in writing of the accuracy and completeness of the advertisements and promotional materials; and not to include in advertisements words which give the impression that purchasing overseas properties is "safe", "low-risk" or "risk-free". Licensees can read more in detail from our "In Focus" story of this issue.

The EAA will increase its effort on consumer education and suggests that consumers appoint licensed estate agents when purchasing uncompleted properties situated outside Hong Kong.

I understand that the above circulars are quite complicated as both topics are important. Hence, licensees are advised to read them in detail, especially the sets of Questions & Answers which have already been uploaded to the EAA's website. The EAA will continue to organise more related Continuing Professional Development seminars and publish posters and leaflets to educate licensees and the public.