



**胡亂發布廣告
破壞行業聲譽**

**Reckless issuance of advertisements
harms trade reputation**

目錄

Contents

01	總裁寄語 CEO's Message
02	專題報道 Cover Story
05	新聞速遞 News Express
08	人物誌 Portrait
10	持續進修 CPD
11	專業進修嘉許獎章 CPD Mark
12	誠信與你 Integrity in Focus
15	反洗錢專區 AML Corner
16	常見問答 Frequently-Asked-Questions
17	好•活動 Mark Your Diary
18	照片回顧 Photos recollection
20	統計數字 Statistics



韓婉萍
行政總裁

Ruby Hon Yuen-ping
Chief Executive Officer

“ 沒有人知道疫情還會影響我們的生活和生意多久。除了保持正直的營商之道外，地產代理業界亦應保持積極向上，為隨時來到的機會做好準備。 ”

“ No one knows how long the pandemic will affect our lives and businesses. Apart from maintaining a righteous approach in doing business, the estate agency trade should stay positive and gear up for opportunities to come. ”

難關難過關關過

Pulling through the difficulties

在過去的七、八月，我們都受到香港第三波疫情打擊的困擾。疫情本身及更嚴謹的社交距離規定，大大影響了香港各行各業，包括每個人的日常生活和每個行業的經營，監管局和地產代理一樣，無可避免地同時受到影響。

監管局在八月已完成向合資格的持牌人發放所有資助津貼，包括由監管局支付的專業發展資助及由政府支付的現金津貼，希望能為持牌人在困境中提供及時雨。可是，受到第三波疫情的影響，香港郵政的郵遞服務受到延誤，部分持牌人可能較預期遲了些少才收到本票，希望大家能忍耐和理解。

同樣在八月，政府放寬了對非住宅物業按揭上限的限制。這在一定程度上會對成交產生積極影響。其實，不論樓市上上落落，交易仍會進行。我相信地產代理行業已開始適應疫情下的「新常態」。

另一方面，筆者希望大家注意一下2020年上半年的違規數字。儘管總體而言，地產代理的表現有所改善，但有關發出物業廣告的違規卻越來越多。筆者要強調的是，從業員並不能以「生意難做」作為違規的藉口，這是不會被監管局或公眾所接受的。業界應繼續提高其專業形象，而不是反其道而行。與此同時，監管局將持續向公眾宣傳業界的正面和專業形象。

沒有人知道疫情還會影響我們的生活和生意多久。除了保持正直的營商之道外，地產代理業界亦應保持積極向上，為隨時來到的機會做好準備。經濟最終都將會復蘇。

在這段期間，希望大家都好好保障自己、家人和員工的健康。

In July and August, we were all distressed by the hit of the pandemic's third wave in Hong Kong. The pandemic itself as well as the tightened social distancing rules have significantly impacted all walks of life in Hong Kong, including everyone's daily life and the operation of every business. Both the Estate Agents Authority (EAA) and the estate agency trade are inevitably affected at the same time.

In August, the EAA has completed the issuance of all subsidies to eligible licensees, including the professional development subsidy paid by the EAA and the cash subsidy paid by the Government. We hope that the subsidies can provide timely assistance to licensees amidst the hardship. However, affected by the pandemic's third wave, the mail delivery service of the Hong Kong Post has been delayed and some licensees might have received the cashier's order later than expected. Patience and understanding from you will be deeply appreciated.

Also in August, the Government has relaxed the restriction on the mortgage cap for non-residential properties. This could bring a positive impact on transactions to a certain extent. In fact, regardless of the ups and downs of the property market, there will still be transactions. I believe the estate agency trade has started adapting to the "new normal" under the pandemic.

On the other hand, I would like to bring to your attention the figures of non-compliances in the first half of 2020. Although the trade's performance has improved on the whole, more and more non-compliant cases were however found relating to the issuance of property advertisements. It should be stressed that "difficult business" cannot be used as an excuse for malpractice, as it will be not accepted by the EAA or the public. The trade should keep enhancing its professional image and not go backwards. The EAA will, at the same time, continue to promote the trade's positive and professional image to the public.

No one knows how long the pandemic will affect our lives and businesses. Apart from maintaining a righteous approach in doing business, the estate agency trade should stay positive and gear up for opportunities to come. The economy will recover eventually.

Meanwhile, please safeguard the health of yourself, your family and your staff.

胡亂發布廣告 破壞行業聲譽

Reckless issuance of advertisements harms trade reputation



2020年上半年，有關發出違規廣告的投訴由去年同期的29宗急升至41宗，監管局希望提醒持牌人，發布違規廣告會破壞整個行業的聲譽。

違規廣告的常見類別

最常見的違規廣告是店舖櫥窗廣告欠缺獨有物業編號及廣告日期，其他違規類別則包括：發出廣告前未有取得賣方的書面同意、發出虛假或具誤導性陳述的廣告（例如刊登其他物業的照片或圖像、提供客戶指示以外的價格或其他不正確的物業資訊），以及宣傳物業時沒有按照客戶的指示。

In the first half of 2020, the number of complaints concerning issuance of non-compliant property advertisements recorded a sharp increase from 29 cases to 41 cases during the same period last year. The EAA would like to remind all licensees that non-compliant advertisements harm the reputation of the trade as a whole.

Common types of non-compliant advertisements

The most common non-compliant property advertisements were shop window advertisements without a unique property number and advertisement date. Other types of non-compliance included: advertisements without the vendor's prior written consent, issuance of false or misleading advertisements (such as publication of photographs or images that belonged to other properties, provision of property prices or other incorrect property particulars not instructed by the client) and advertisements in contravention of the vendor's instructions.

發布網上廣告必須謹慎

隨着網上物業廣告日益普及，地產代理在發布此類廣告時必須小心謹慎。同時，監管局亦加強了網上巡查，並大幅增加抽查網上樓盤廣告和網上物業平台的次數。

與透過傳統媒體（如在報章雜誌和在櫥窗）發布廣告的做法一樣，地產代理在發出網上廣告前，必須先取得業主的書面同意，並採取一切合理步驟核實載於廣告上的資料準確無誤。此外，網上廣告上亦須清楚述明地產代理的牌照號碼、獨有的物業編號及廣告日期。

同時，地產代理應在有關物業不再可供出售或租賃、或有關的地產代理協議終止後（兩者中以較早者為準），於切實可行的範圍內盡快從網絡中移除有關廣告。



Be prudent when issuing online advertisements

As online property advertisements are becoming increasingly common, estate agents should be very prudent when issuing them. Simultaneously, the EAA has expanded its cyber patrols and has significantly increased the number of spot checks on online property advertisements and online property platforms.

Similar to issuance of property advertisements in the traditional ways such as in print media or in shop windows, estate agents should obtain the vendor's prior written consent before publication of online advertisements and take all reasonable steps to verify the accuracy of the information contained in the advertisements. In addition, the licence number of the estate agent, unique property number and advertisement date must also be clearly stated in the online advertisements.

Also, estate agents should remove the relevant advertisements from cyberspace as soon as practicable after the property concerned is no longer available for sale or leasing; or after the termination of the estate agency agreement concerned, whichever is earlier.





於公眾地方張貼廣告

另外，地產代理需要注意，在公眾地方如電燈柱上張貼廣告，是極不專業的行為，並同時嚴重損害地產代理業界的聲譽。這種不負責任的行徑不但會對行人、道路使用者及附近居民構成滋擾，更會觸犯《公眾衛生及市政條例》。監管局譴責此等行為，並已加強巡查及到訪相關的地產代理商舖給予警告。與此同時，局方已透過新聞發布會及媒體專欄，公開譴責未經許可在街上展示招貼的害群之馬，並呼籲消費者不要致電刊登於這些街招上的電話號碼，因其所載物業資料的準確性及發布者的身分皆成疑。監管局亦已聯絡食物環境衛生署，商討共同跟進有關問題。

結語

持牌人不要低估發出違規廣告對行業的負面影響。在消費者眼中，此等行為會造成業界不可靠的形象。持牌人向公眾發布物業資訊前，必須盡量小心和盡一切應盡的努力，並遵守監管局不時向持牌人發出有關物業廣告的指引。局方亦決心打擊違規的持牌人，其管理層亦可能因未能制訂妥善和有效的程序及制度以管理其業務而遭監管局紀律處分。

Affixing advertising materials in public area

Furthermore, estate agents should also note that affixing advertising materials on street furniture such as on lamp posts is extremely unprofessional and will severely damage the reputation of the trade. Such irresponsible behaviour will not only annoy pedestrians, road users and nearby residents, but will also violate the Public Health and Municipal Services Ordinance. The EAA condemns such behaviours and has stepped up its patrols and visits to the concerned agency shops to issue relevant warnings. In addition, through the EAA's press conferences and media columns, it has criticised unauthorised display of bills on the street and appealed to consumers not to call the phone numbers on those bills as the identities of the advertisers and also the reliability of the information therein are uncertain. The EAA has also liaised with the Food and Environmental Hygiene Department with a view to dealing with the matter jointly.

Conclusion

With respect to issuance of non-complaint advertisements, licensees must not under-estimate the negative impact they will have on the trade as they will create an untrustworthy image of the estate agency trade in the eyes of the public. Licensees should exercise due care and diligence before publication of property information to the public and comply with all the relevant guidelines on property advertisements issued by the EAA from time to time. That said, the EAA is determined to discipline those non-compliant licensees and their management may also be disciplined for failing to establish proper and effective procedures and systems to manage their business.

監管局回顧 2020年上半年工作及 簡介下半年工作重點

EAA reviews its work in the first half of 2020 and introduces its initiatives for the second half

地產代理監管局（「監管局」）於2020年7月28日首次舉行網上直播新聞發布會，回顧 2020年上半年的工作概況，並簡介下半年的工作重點。

受到2019新型冠狀病毒病疫情所影響，今年上半年局方和業界均面對不少挑戰。例如：部分資格考試及紀律研訊因受疫情影響而被逼取消，而實體巡查的次數亦有所減少。然而，局方仍竭力維持整體規管工作。

2020年上半年，監管局共接獲148宗的投訴，較去年同期輕微減少6%。整體的投訴數字雖然有所改善，但有關「發出違規廣告」的投訴錄得最大升幅，由去年同期的29宗按年增至41宗。

另外，由於網上廣告日益普及，局方加強了網上抽查的力度，合共抽查了網上物業廣告403次，及抽查227次不同網站，數字分別比去年同期增加33%及35%。

The Estate Agents Authority (“EAA”) held a live streaming press conference on 28 July 2020 to review the EAA’s work in the first half of 2020 and introduced its initiatives for the second half.

Affected by the COVID-19 pandemic, both the EAA and the estate agency trade had faced challenges in the first half of this year. For example, a number of qualifying examinations and inquiry hearings were inevitably cancelled, the number of physical inspection checks decreased as well. However, the EAA strived to sustain its overall regulatory work.

The EAA received 148 complaints in the first half of 2020, a slight decrease of 6% compared to the same period of last year. Although there was an overall improvement, the biggest increase was found in the category of “issuing non-compliant advertisements”, which recorded a year-on-year rise from 29 cases to 41 cases.

Owing to the rising popularity of online advertisements, the EAA’s on online checks were strengthened. The EAA screened online property advertisements 403 times and spot checked different online portals 227 times, representing a year-on-year increase of 33% and 35% respectively.



監管局主席梁永祥教授SBS太平紳士及行政總裁韓婉萍女士於首次網上直播新聞發布會上回顧2020年上半年的工作概況，並簡介下半年的工作重點。

EAA Chairman Prof William Leung, SBS, JP and Chief Executive Officer Ms Ruby Hon review EAA’s work in the first half of 2020 and introduce its initiatives for the second half in its first live streaming press conference.

踏入2020年下半年，監管局會繼續透過不同渠道確保業界守法循規，並就常見的違規事項（如發出物業廣告）教育持牌人。

此外，局方將會繼續就購買境外物業教育消費者，並透過推行「5A代理」的宣傳計劃及舉辦更多企業社會責任活動供業界參與，繼續推廣地產代理的正面形象。

Stepping into the second half of 2020, the EAA will continue to strengthen trade compliance and the education of licensees by various means regarding those common non-compliances, such as the issuance of property advertisements.

In addition, the EAA will continue to educate consumers on the purchase of properties situated outside Hong Kong and continue to promote the positive image of estate agents by carrying on the “5A Agent” publicity campaign and organising more corporate social responsibility activities for the trade to participate in.

臨時買賣協議中的有關 2019冠狀病毒病條款 COVID-19 Clause for Provisional Agreement for Sale and Purchase



因 應近期2019冠狀病毒病疫情發展及公共衛生的最新情況，監管局於2020年8月10日發出一封有關條款範本的「致持牌人函件」，以供持牌人參考。

如賣方及/ 或買方客戶關注2019冠狀病毒病對其物業交易可能造成影響，持牌人可在臨時買賣協議（「臨約」）中加入該條款。此外，持牌人應向客戶解釋該條款，建議他們考慮在臨約中加入相關的條款；及在有需要的情況下先尋求獨立法律意見，才簽署臨約。

持牌人可瀏覽監管局網頁（進入「持牌人」>「致持牌人函件」）以閱讀該函件。

In view of the recent developments of COVID-19 and the latest public health situation, the EAA has issued a Letter to Licensees on 10 August 2020 regarding a template clause for licensees' reference.

If vendor and/or purchaser clients have any concerns over the possible impacts of COVID-19 on their property transactions, the licensee may insert a template clause in the provisional agreement for sale and purchase ("PASP"). The licensee should explain the meaning of the clause and advise their clients to seek independent legal advice before proceeding to sign the PASP, if necessary.

Licensees may read the Letter at the EAA website (Licensees > Letter to Licensees).

城市規劃委員會有關「鄉村式發展」地帶的提醒

Reminder from Town Planning Board on “Village Type Development” zone

地產管理局早前接獲城市規劃委員會（「城規會」）有關「鄉村式發展」地帶內的動物寄養所的信函。

在處理購買或租用新界鄉郊土地前，持牌人應告知客戶在「鄉村式發展」地帶開設動物寄養所，須得城規會批准。

持牌人如有查詢，可致電2231 4810或電郵至 tpbpd@pland.gov.hk 與城規會聯絡。

The EAA received a letter from the Town Planning Board (“TPB”) regarding animal boarding establishment in the “Village Type Development” zone.

When handling the purchase or renting of land in the rural New Territories, licensees are reminded to inform their clients that planning permission from the TPB is required for animal boarding establishment in the “Village Type Development” zone.

For any queries, licensees may contact the Town Planning Board at 2231 4810 or via email: tpbpd@pland.gov.hk

電視宣傳短片及網上宣傳活動 API and online campaign

地產監管局最近再度推出一段電視宣傳短片及電台聲帶，提醒消費者在委託地產代理時與其訂立地產代理協議的重要性。

另外，為進一步推廣地產代理的正面形象及提升公眾對監管局的認識，局方於Google及Yahoo的廣告網絡進行宣傳，強調委託專業持牌地產代理處理物業交易的重要性，同時提醒公眾監管局作為規管機構的角色。

The EAA has recently re-launched an Announcement in the Public Interest (“API”) on television and radio to remind consumers of the importance of entering into an estate agency agreement with their appointed estate agents.

Moreover, to further promote the positive image of estate agents and increase the public awareness of the EAA, a promotional campaign has been launched by placing online advertisements in the display advertising network of Google and Yahoo. The campaign not only emphasizes the importance of appointing a professional licensed estate agent to handle property transactions, it also reminds the public of the EAA's role as a regulatory body.





黃永光太平紳士
Mr Daryl NG Win-kong, JP

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Mr Daryl NG Win-kong, JP Member of the EAA

問 作為地產發展商一份子，你對地產代理的表現有何看法？加入監管局後，看法有否轉變？

答 地產代理在物業市場產業鏈發揮重要角色，聯繫買賣雙方，促成交易，同時增加有關樓市及物業的資訊流通。發展商發展優質項目，需要從業員透過專業知識、廣泛網絡和努力，向潛在買家介紹項目特點及資訊、置業安居，同時協助發展商促銷項目。

我非常榮幸獲委任為地產代理監管局（「監管局」）成員。作為紀律委員會和執業及考試委員會成員，我親身了解從業員日常面對的挑戰。和香港其他行業一樣，地產代理業非常有效率。監管局履行職能，監管框架涵蓋各個範疇，包括考試、發牌、監管、紀律研訊以至持續專業進修計劃，有助持續提升從業員的專業水平、操守及誠信標準，令系統完善和全面，提升業界的良好執業，提高個人和公司的標準。買賣雙方都需要信賴可靠的中介人，這是行業發展的重要一環。

Q As a member of a real estate developer, what are your views on the performance of estate agents? Have your views changed after you joined the EAA?

A Estate agents play an important role in the entire value chain, connecting buyers and sellers to facilitate sales while promoting knowledge about the market and projects. As a property developer, we build quality projects, and appreciate the work of estate agents, who disseminate information and reach out to potential buyers through their know-how, network and hard work.

I am honoured to serve the Estate Agents Authority (“EAA”). As a member of the Disciplinary Committee and Practice and Examination Committee, I see firsthand the challenges practitioners are encountering. Like many other industries in Hong Kong, the agency business is highly efficient. The EAA has done a superb job in enforcing a holistic regulatory framework encompassing examination, licensing, regulation and disciplinary proceedings, as well as Continuing Professional Development Scheme to uphold regulatory compliance, ethics standards and integrity. Adding all these together, we have a well-established system that promotes best practices and raises the standards of individuals and companies. This would be an important aspect going forward as buyers and sellers need a trusted adviser.

問 你覺得香港房地產的發展，在未來五年會有何走勢？地產代理又可以如何加以配合把握商機呢？

答 本港物業市場基礎穩健，對住屋有殷切需求，加上低息環境等利好因素支持。同時，特區政府透過賣地及簡化機制增加土地供應，有助本港樓市長遠健康發展。

此外，內房開發商在本港越見積極，印證香港市場的活力和吸引力，地產代理從業員可以把握機遇，擔任顧問角色，協助資深及新參與者發展業務。

監管局與地產代理從業員過去一起努力，助業界長足發展。顧客需要專業知識及建議，從業員需要秉持專業及誠信，與各方建立互信關係。

問 疫情影響香港經濟，地產代理亦難免受到打擊，你對他們有何建議或鼓勵呢？

答 香港一直是區內以及國際商業樞紐，發展蓬勃，系統行之有效，基礎穩健。

新型冠狀病毒疫情更顯出科技應用的力量。科技發展是通向未來之路，致力培養創新文化、啟發新思維提升服務和標準，可轉危為機。很高興不少地產代理業界朋友積極開發房地產科技，例如數碼地圖和區塊鏈房地產平台等技術應用。

有說「機會是留給有準備的人」。地產代理應增進行業知識、熟悉各個項目的特點、了解顧客需要、不斷學習，發揮堅毅的獅子山精神。

Q How would you forecast the trend of real estate development in the coming five years? In what way can estate agents tie in and seize the business opportunities?

A The Hong Kong property market is resilient with sound fundamentals such as a well-developed economy and robust demand for housing. We are enjoying a low interest environment; at the same time, the HKSAR Government is addressing the supply side with land sales and streamlined mechanism. These would be conducive to the healthy development of the market in the long run.

We have also seen more Mainland Chinese developers establishing and growing business in Hong Kong. This is a testament to the vibrancy and attraction of Hong Kong. This spells opportunities for estate agency practitioners to take up advisory role to support and facilitate new and established players in the market.

The industry has seen improvements by leaps and bounds thanks to the collective efforts and commitment from the EAA and estate agency practitioners. Practitioners should remind themselves that customers come to them for knowledge and advice. They need to uphold professionalism and integrity, and to build relationships with different parties based on mutual trust.

Q The Hong Kong economy and estate agents are deeply affected by the pandemic. What would you advise and encourage them to do?

A Hong Kong has always been a vibrant business hub, regionally and internationally. We have well-established and recognised systems, and our robust fundamentals are intact.

We have seen for ourselves during the COVID-19 situation that technology is a great enabler. Our path to future is paved with technology. Fostering innovation and spurring new ideas to improve service scope and standards would turn challenges into opportunities. I am delighted to see that many industry players are embracing proptech such as digital maps and blockchain real estate platform.

As the saying goes, opportunity favours the prepared mind. Estate agents should enhance their industry knowledge, get to know projects' characteristics better, understand their customers' needs, keep learning, and above all, have the can-do Lion Rock Spirit.

網上學習活動及網上個案研習

e-Learning programmes and e-Quiz

為進一步減低2019冠狀病毒在社區擴散的風險，監管局取消了六月至八月期間以面授進行的持續專業進修大型講座。

為方便持牌人可隨時隨地學習，監管局一直就各種主題範疇製作「網上學習活動」及持續提供「網上個案研習」，讓持牌人能透過網上遙距學習來提升他們的個人專業水平及知識。

監管局最近推出了三個新的「網上學習活動」，分別為：一手住宅樓盤銷售地點的秩序、有關買賣或租賃泊車位，以及有關反洗錢及反恐怖分子資金籌集的網上學習活動。以上網上學習活動共吸引了約120人次參加。

「網上個案研習」則每兩個月舉辦一次，是一個模擬的物業交易的測試，反映持牌人在日常執業時遇到的事情。參加者需要在閱讀個案的背景及相關資料後，回答10-20條問題以獲取持續專業進修學分。2020年六月及八月份的「網上個案研習」分別吸引了約310及297人次參加。

詳情請瀏覽監管局網頁：

www.eaa.org.hk/zh-hk/CPD-Scheme/e-Learning-programmes 或
www.eaa.org.hk/zh-hk/CPD-Scheme/e-Quiz

To reduce the risk of the spread of COVID-19 in the community, all large scale face-to-face CPD seminars scheduled for June to August 2020 were cancelled.

To enable licensees to study anytime and anywhere, the EAA has been producing e-Learning programmes on various subjects and consistently providing e-Quiz for licensees to enhance their professional standards and knowledge through web-based distance learning.

Three new e-Learning programmes, namely one on order at first-sale sites of residential properties, one on sale and purchase or leasing of car parking spaces, and one on anti-money laundering and counter-terrorist financing, have been launched by the EAA recently. These new e-Learning programmes have attracted about 120 enrolments since then.

The e-Quiz is held every two months. It takes the form of a simulated property transaction, resembling a situation that a licensee may come across in everyday practice. After reading the case study and supporting materials, participants are asked to complete a quiz of 10-20 questions for getting CPD point. About 307 and 297 licensees participated in the e-Quiz in June and August 2020 respectively.

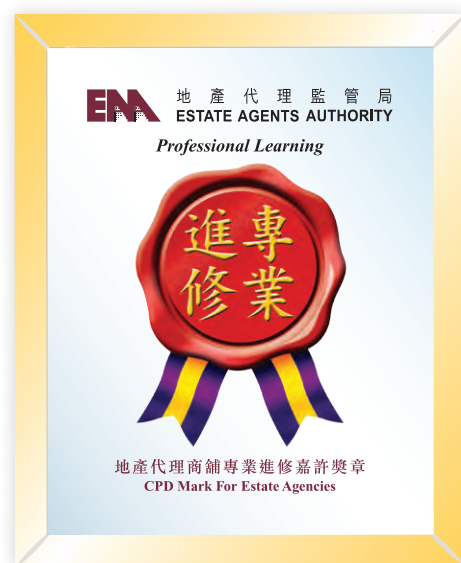
For details, please visit the EAA website:

www.eaa.org.hk/en-us/CPD-Scheme/e-Learning-programmes or
www.eaa.org.hk/en-us/CPD-Scheme/e-Quiz



「專業進修嘉許獎章」 代表對地產代理商舖的 專業認同

CPD Mark serves as a professional recognition for agency shops



為吸引地產代理商舖的經營者/管理層鼓勵員工多加參與持續專業進修計劃，監管局設有「地產代理商舖專業進修嘉許獎章計劃」（「商舖嘉許獎章」）讓合資格的代理商舖申請。

該計劃下，營業詳情說明書的持有人就其營業地點，如有80%或以上的受僱持牌人，在其個別的上一個持續專業進修時段獲頒發持續專業進修計劃嘉許證書（即在該時段有獲取12個學分），便可申請頒發「商舖嘉許獎章」。

「商舖嘉許獎章」的有效期為一年，在該年內，獲頒發「商舖嘉許獎章」的代理商舖，可在其營業地點張貼「商舖嘉許獎章」標誌，並在其發出的單張、小冊子、其他文件及其員工的名片上印上「商舖嘉許獎章」。

獲頒「商舖嘉許獎章」，代表該商舖重視員工的持續自我增值，有助提升其專業形象及加強消費者的信心。

在截至2019年9月30日的持續專業進修時段內，共有44間商舖獲頒「商舖嘉許獎章」，有關名單可參閱監管局網頁（持續專業進修計劃 > 「地產代理商舖專業進修嘉許獎章」計劃）及消費者教育網站。

As an incentive for the owners/management of agency shops to encourage their staff to participate in more Continuing Professional Development (“CPD”) activities, the EAA has a scheme of awarding a CPD Mark for Estate Agencies (“CPD Mark”) to the qualified agency shops.

Under this scheme, holders of Statement of Particulars of Business with 80% or more of their employed licensees having been awarded the CPD Attainment Certificate for the CPD period (obtaining 12 CPD points within the period) immediately preceding the current one may apply for the CPD Mark.

The CPD Mark will be valid for one year. During the year, the agency shops awarded the CPD Mark may display the CPD Mark decal at their respective business address and also print it on their promotional documents and the business cards of their employees.

The CPD Mark helps enhance the professional image and strengthen consumers’ confidence as it serves as a recognition that the awarded agency shops emphasise continuous professional advancement of their staff.

As at the CPD period ending on 30 September 2019, there are 44 agency shops awarded the CPD Mark. The list of the agency shops with the CPD Mark can be found in the EAA’s website. (CPD Scheme > CPD Mark for Estate Agencies Award Scheme) and Consumer Education Website.

紀律研訊個案 Disciplinary hearing case

在「可供出售證明書」發出前安排簽署
臨時買賣協議

Arranging the signing of a PASP
before the “Certificate of Availability
for Sale” was issued

引言

持牌人在處理居者有其屋第二市場計劃下的物業交易時，須遵守相關規定，否則有可能被監管局紀律處分。

Introduction

Licenses should ensure that they follow the designated rules when handling the transaction of flats under the Home Ownership Scheme (“HOS”) Secondary Market. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名買家在視察一個居屋第二市場計劃下的單位後，決定透過其委託之營業員購買該單位。該營業員告知買家，賣方已申請「可供出售證明書」（「准賣證」），但該准賣證仍未獲批出。雖然如此，她在未有告知相關的風險的情況下仍建議買家先簽署臨時買賣協議（「臨約」）。

後來，該營業員通知買家，賣方已將單位售予另一名買家，並指出因當日賣方尚未取得准賣證，故其早前簽署的臨約無效。買家對此深感不滿，遂向監管局作出投訴。

Incident

A HOS flat purchaser appointed a salesperson to purchase a property in the HOS Secondary Market after inspection. The salesperson informed the purchaser that the vendor had applied for the “Certificate of Availability for Sale” (“CAS”) but the CAS was not yet issued. However, without advising the risk of not having the CAS, she suggested the purchaser signing the Provisional Agreement for Sale and Purchase (“PASP”) first.

Later, the salesperson informed the purchaser that the vendor had sold the property to another purchaser. She also told the purchaser that the PASP he signed was null and void since the vendor had not obtained the CAS at the time of signing it. Feeling aggrieved, the purchaser lodged a complaint with the EAA.

研訊結果

監管局紀律委員會指出，該營業員不應在賣方尚未取得准賣證前安排買家簽署臨約。她因而違反了《操守守則》第3.7.2段的規定，即「地產代理和營業員應避免做出可能令地產代理行業信譽及/或名聲受損的行為。」

Result

The EAA Disciplinary Committee pointed out that the salesperson should not have arranged for the purchaser to enter into the PASP before the vendor obtained the CAS. She was in breach of paragraph 3.7.2 of the *Code of Ethics* which stipulates that “Estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade.”

另外，調查期間發現該營業員未有在買家簽署臨約後向其提供臨約副本，她因而未有遵守《操守守則》第3.2.1段的規定，即「地產代理和營業員應熟悉並必須在執業時遵守《地產代理條例》、其附屬法例、本操守守則，以及由監管局不時發布的所有其他指引。」

考慮到個案的性質、類似個案的罰則，以及該營業員的違規紀錄，紀律委員會決定就該兩項違規譴責該營業員、向其罰款2,000元、暫時吊銷其牌照一個月，並要求她在24個月內取得持續專業進修計劃下的24個學分。

Besides, the Disciplinary Committee also found that the salesperson failed to provide the purchaser with a copy of the PASP as soon as the purchaser had signed it. Hence, she failed to comply with paragraph 3.2.1 of the *Code of Ethics* which stipulates that “Estate agents and salespersons should be fully conversant with the EAO, its subsidiary legislation, this *Code of Ethics*, and other guidelines issued by the EAA from time to time and shall observe and comply with them in the course of their practice.”

Having considered the nature and gravity of the case and the disciplinary record of the salesperson, the Disciplinary Committee decided to reprimand her, impose a fine of \$2,000, suspend her licence for one month, and attach a condition to her licence, requiring her to obtain 24 points in the CPD Scheme within 24 months as the total sanctions for the two breaches.



郭昶先生
香港地產代理專業協會會長
Mr Anthony Kwok
President of Society of Hong Kong
Real Estate Agents Ltd.

業界意見 Comment from trade

居者有其屋第二市場的交易受《房屋條例》規管，居屋業主在未取得房屋委員會發出「可供出售證明書」前，不得與任何買家訂立「臨時買賣合約」。持牌人也不得在該業主提供「可供出售證明書」前力勸或協助該業主訂立「臨時買賣合約」，否則便會觸犯《房屋條例》及監管局發出的《操守守則》。

Transaction of properties under the HOS Secondary Market is regulated by the *Housing Ordinance*, an HOS flat owner shall not enter into a PSAP with any purchaser before issuance of the CAS by the Housing Authority. Licensees must also not urge or assist the owner to enter into the PASP before the CAS has been provided by the owner otherwise, they would be in breach of the *Housing Ordinance* and the *Code of Ethics* issued by the EAA.

紀律研訊個案 Disciplinary hearing case

只安排其中一名註冊業主訂立租約

Arranging only one of the registered owners to enter into a tenancy agreement

引言

持牌人處理分權共有的物業時，不可在未取得所有註冊業主的同意前，便安排訂立臨時租約，或在未取得立約方的妥善授權便進行相關物業的交易，否則有機會被監管局紀律處分。

Introduction

Licensees must not arrange the signing of a provisional tenancy agreement without the consent of all the registered owners of a property under the ownership of a tenancy in common, or proceed with any transaction of that property without proper authorisation by the parties concerned. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名營業員受業主委託出租一個由兩名人士以分權共有形式持有的物業。當他與代表租客的地產代理安排訂立臨時租約時，他告知對方，委託他的業主已就擁有權問題與該物業的另一名註冊業主展開了訴訟，因此租約內只需要其中一名業主的單獨簽名。其後，租客遂與該名業主訂立正式租約及支付訂金。

後來，該物業的另一名業主（即並非租約上的立約方）發現她並未獲通知有關該租賃事宜。她認為該名營業員和地產代理不應在未取得她的授權前便安排該物業的租賃，於是向監管局作出投訴。

Incident

A salesperson was appointed by the landlord for the leasing of a property which is owned by two persons in the form of a tenancy in common. When he and the tenant's agent arranged for the tenant to enter into the provisional tenancy agreement, he informed the tenant's estate agent that there was a lawsuit between the two landlords for the ownership of that property and so only the signature of one of the landlords was needed. The tenancy agreement was then entered into by the tenant and one of the landlords and the tenant paid the deposit.

Later, the other landlord of the concerned property whose name was not included in the tenancy agreement, discovered that the property was leased out without her consent and knowledge. Believing that the salesperson and the estate agent should not have arranged the leasing of the property without her authorisation, she lodged a complaint with the EAA.

研訊結果

儘管土地查冊顯示該物業由兩名人士共同擁有，惟兩名持牌人卻只安排其中一名業主訂立租約。監管局紀律委員會認為他們違反了《操守守則》第3.7.2段，即「地產代理和營業員應避免做出可能令地產代理行業信譽及/或名聲受損的行為」。

考慮到個案的性質及他們的違規紀錄，紀律委員會決定譴責他們，並在他們的牌照上附加條件，要求他們在12個月內取得持續專業進修計劃下的12個學分。此外，他們的牌照亦被暫時吊銷一個月。

Result

As the land search showed that the property was owned by two persons, but the two licensees only arranged for one of the landlords to enter into the tenancy agreement, the EAA Disciplinary Committee concluded that they were in breach of paragraph 3.7.2 of the *Code of Ethics* which states that "Estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade".

Having considered the nature and gravity of the case and their disciplinary record, the Disciplinary Committee decided to reprimand them, attach a condition to their licences requiring them to obtain 12 points under the EAA's Continuing Professional Development Scheme in 12 months, and their licences were also suspended for one month respectively.



何潔芝女士
地產代理人協會主席
Ms Rosanna Ho
Chairman of Property Agents Association

業界意見 Comment from trade

地產代理在履行職務時必須盡量小心和盡一切應盡的努力。若一個住宅物業的業權是由多於一名註冊業主擁有（無論是分權擁有或聯權擁有業權），地產代理需要先得到所有聯名業主的授權或妥善簽署地產代理協議，才可向有意承租方介紹該物業。

Estate agents shall exercise due care and due diligence when fulfilling their duties. For residential properties under co-ownership with more than one registered owner (no matter in the form of joint tenancy or tenancy in common), estate agents should obtain the authorisation or proper execution from all owners in respect of the Estate Agency Agreement before introducing the property to prospective tenants.

反洗黑錢

為加深持牌人對反洗錢及反恐怖分子資金籌集（「反洗錢」）議題的認知，我們會在《專業天地》這個「反洗錢專區」為大家提供有關反洗錢的不同資訊及最新消息。

To enhance licensees' knowledge on the subject of anti-money laundering ("AML") and counter-terrorist financing ("CTF"), we will provide various information and updates about AML in the "AML Corner".



監管局就反洗錢進行風險為本監督 EAA's risk-based inspection on AML

監管局以風險為本的監督方法，監管地產代理業界有否遵從反洗錢/反恐怖分子資金籌集的規定。監管局的監督力及巡查頻率(包括遙距監察及現場巡查)會視乎地產代理經營者所面對的威脅和脆弱程度而定。執業通告(編號18-01(CR))所載有關反洗錢/反恐怖分子資金籌集規定的主要範疇包括：客戶盡職審查、風險評估、持續監察客戶、備存紀錄、舉報可疑交易及員工培訓。

The EAA has adopted a Risk-based Approach in its supervision of the estate agency trade practitioners' compliance with AML/CTF requirements. The intensity of supervision and frequency of inspections by the EAA, including both off-site monitoring and on-site inspections, are carried out based on the level of ML/TF threats and vulnerabilities of the estate agency operators classified under the different risk categories. Key areas for AML/CTF compliance requirements as stipulated under Practice Circular No. 18-01(CR) include: customer due diligence ("CDD"), risk assessment, continuous monitoring of customers, record keeping, reporting suspicious transactions and staff training.

在《專業天地》內，我們會解答持牌人的一些常見提問。

In *Horizons*, we will answer questions commonly asked by licensees.

問 地產代理可否接受其中一個買家客戶提供額外的佣金，作為不向賣方客戶披露其他要約的報酬？

答 倘若地產代理接受額外佣金，作為不向賣方客戶披露其他準買家的要約的報酬，他/她便有可能觸犯《防止賄賂條例》及《地產代理常規（一般責任及香港住宅物業）規例》（「《常規規例》」）。

根據《防止賄賂條例》第 9(1)條，「任何代理人無合法權限或合理辯解，索取或接受任何利益，作為他作出以下行為的誘因或報酬，或由於他作出以下行為而索取或接受任何利益，即屬犯罪：

- (a) 作出或不作出，或曾經作出或不作出任何與其主事人的事務或業務有關的作為；或
- (b) 在與其主事人的事務或業務有關的事上對任何人予以或不予，或曾經予以或不予優待或虧待」。

地產代理於物業交易中代表賣方行事，其賣方客戶便是其主事人。如地產代理在未得到其主事人(即其賣方客戶)的允許下，接受一名準買家的「額外報酬」（即是一種利益），作為不將其他準買家的要約提交給賣方客戶的報酬，該地產代理便可能因而觸犯《防止賄賂條例》第 9(1)條。

此外，該地產代理沒有將從準買家接獲的所有要約提交給賣方客戶，他亦可能因此違反了《常規規例》第 11(e)條，即「持牌人在接獲任何要約後，須在切實可行的範圍內盡快將該要約向客戶提交，以供客戶接受」。

Q Could an estate agent receive extra commission offered by one of his purchaser clients for not disclosing other offers to his vendor client?

A If an estate agent accepts extra commission as a reward for not disclosing offers of other prospective purchasers to the vendor, he/she might have breached the Prevention of Bribery Ordinance (“PBO”) and the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation (“Practice Regulation”).

According to Section 9(1) of the PBO, “Any agent who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his—

- (a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal’s affairs or business; or
- (b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal’s affairs or business, shall be guilty of an offence”.

When an estate agent acts for a vendor client in a property transaction, the vendor client is his principal. If the estate agent, without the permission of his principal (i.e. his vendor client), accepts any “extra commission” (which is an advantage) from a prospective purchaser for not disclosing the offers of other prospective purchasers to the vendor client, the estate agent may commit an offence under Section 9(1) of the PBO.

Furthermore, by failing to present all the offers received from prospective purchasers to his vendor client, the estate agent may be in breach of section 11(e) of the Practice Regulation which states that “a licensee shall present an offer to a client for acceptance as soon as practicable after receiving it”.

監管局近期推出之持續專業進修計劃網上學習活動
Recently launched EAA's CPD e-Learning programmes

「網上學習活動」設於監管局「電子服務」(e-Services) 版面之內。故持牌人必須先註冊「電子服務」，然後登入「電子服務」，便可參加「網上學習活動」。

e-Learning programmes can be accessed after logging in to the EAA's "e-Services" platform. To log in, a licensee must first create an "e-Services" account.

課程名稱 Programme Title	語言 Languages	類別 Category	課程內容 Programme Highlights
有問有答 - 執業通告 - 通告編號 18-01(CR) 有關地產代理業遵守反洗錢及反恐怖分子資金籌集規定的指引	粵語	合規及有效管理 Compliance and Effective Management	地產代理在執業期間就符合執業通告 - 通告編號18-01(CR) 有關地產代理業遵守反洗錢及反恐怖分子資金籌集規定的指引的有關要求會遇到的問題
執業通告 [通告編號15-05(CR)] - 買賣或租賃泊車位 Practice Circular [Circular No. 15-05(CR)] - Sale and Purchase or Leasing of Car Parking Spaces	粵語及英語 Cantonese and English		簡介監管局就買賣或租賃泊車位而發出的執業通告的內容及規定 Contents and requirements of Practice Circular [Circular No. 15-05(CR)] - Sale and Purchase or Leasing of Car Parking Spaces
執業通告 [通告編號18-03(CR)] - 一手住宅樓盤銷售地點的秩序 Practice Circular [Circular No. 18-03(CR)] - Order at First-sale Sites of Residential Properties			簡介監管局就一手住宅樓盤銷售地點的秩序而發出的執業通告的內容及規定 Contents and requirements of Practice Circular [Circular No. 18-03(CR)] - Order at First-sale Sites of Residential Properties

其他活動
Other activities

平等機會委員會主辦

日期	時間	語言	課程名稱	課程費用
23/10/2020	14:30-17:30	粵語	工作間的多元文化	免費
23/11/2020	14:30-17:30	粵語	處理招聘及甄選程序	\$790

查詢電話：2106 2155

個人資料私隱專員公署主辦 - 《專業研習班》

日期	時間	語言	課程名稱	課程費用
29/10/2020	14:15 - 16:15	粵語	物業管理的資料保障	\$750/ \$600
12/11/2020	14:15 - 17:15	粵語	資料保障與查閱資料要求	\$750/ \$600
17/11/2020	14:15 - 17:15	粵語	直接促銷活動的資料保障	\$750/ \$600

查詢電郵：training@pcpd.org.hk 查詢電話：2877 7130





30
06
2020

監管局與主要商會代表舉行聯絡會議，會上談及有關監管局的專業發展資助及政府現金津貼的發放詳情，以及疫情影響下資格考試的安排。

The EAA held a liaison meeting with the representatives of major trade associations. During the meeting, disbursement details of the EAA's Professional Development Subsidy and the Government's cash subsidy, as well as the arrangement of qualifying examinations under the pandemic were discussed.

05
08
2020

監管局行政總裁韓婉萍女士接受有線電視直播節目《港樓論市》訪問，談及監管局2020年上半年的違規數字，以及購買境外物業時要注意的地方。

EAA Chief Executive Officer Ms Ruby Hon attends an interview of a live programme of Cable TV. She talks about the figures of non-compliance in the first half of 2020 and gives advice to consumers when purchasing properties situated outside Hong Kong.



21
08
2020

監管局主席梁永祥教授SBS太平紳士接受新城電台節目《新城地產街》訪問，談到疫情對監管局工作及地產代理業界執業所帶來的影響。

EAA Chairman Prof William Leung, SBS, JP attends an interview on a programme of Metro Radio. He talks about the impact of the pandemic on both the work of EAA and the practice of the estate agency trade.

08/2008

監管局代表聯同業界商會代表出席「中國房地產（澳門）論壇」。

EAA representatives and trade members attend the Forum on Real Estate in China.



12/2008

監管局製作海報，鼓勵消費者簽訂地產代理協議，並留意協議上的條款。

The EAA produces a poster to encourage consumers to enter into the estate agency agreement and pay attention to the main clauses in the agreement.

07/2011

監管局管理層出席於香港公開大學舉行的「地產業界高峰會」。

EAA Management attends a trade conference held at the Open University of Hong Kong.



09/2015

監管局舉辦首個公開講座，題為「精明置業系列：如何做個精明一手樓買家」。

The EAA organises the first public seminar titled "Tips to become a smart purchaser of first-hand residential properties".

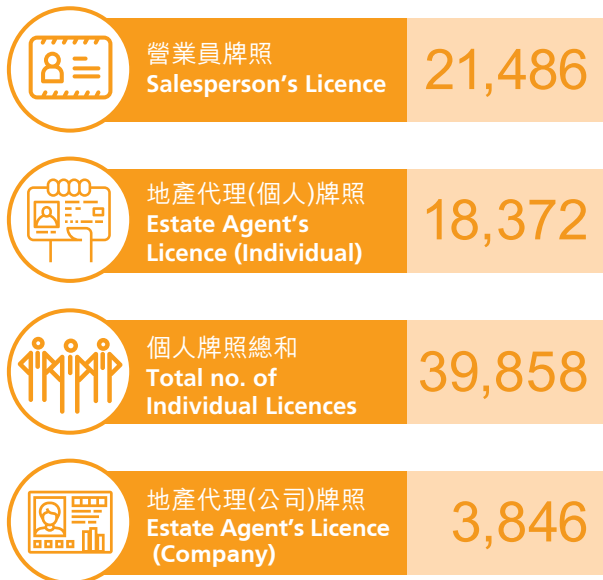


考試 Examinations

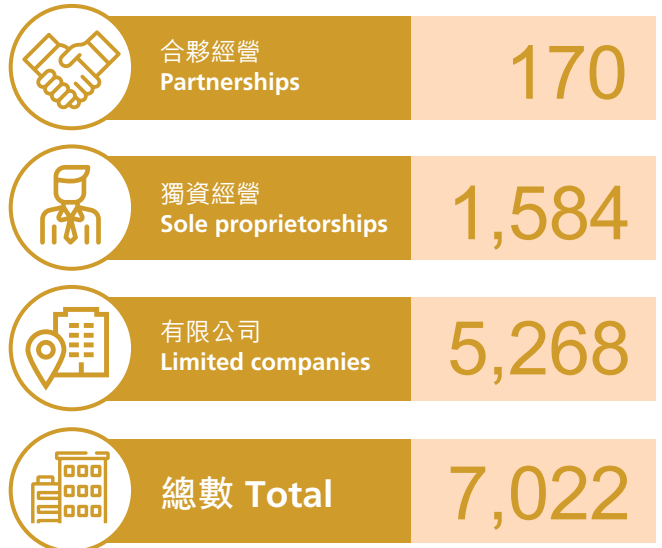
考試及考試日期 Examination and date	
參加人數 No. of candidates	合格率 Pass rate

(考試因2019冠狀病毒疫情而取消)
(Examinations cancelled due to COVID-19)

牌照數目 截至2020年8月31日 Number of licences (As at 31/8/2020)



營業詳情說明書 (截至2020年8月31日) Number of statements of particulars of business (As at 31/8/2020)



開立的投訴 (2020年1月至8月) Number of complaint cases opened (January to August 2020)

203

已處理的投訴個案結果* (2020年1月至8月) Results of completed complaint cases*

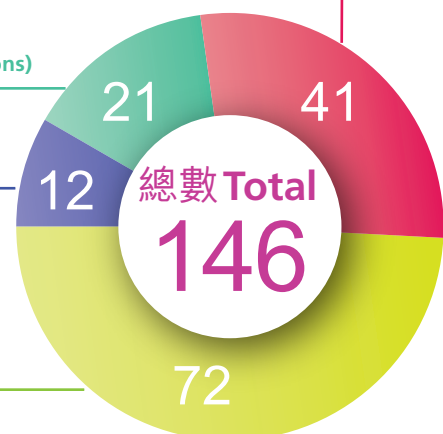
(January to August 2020)

其他(例如投訴人撤回投訴或因其他原因而終止調查)
Others (include cases withdrawn or closed because of other reasons)

資料不足
Insufficient information to pursue

指稱不成立
Unsubstantiated

指稱成立
Substantiated



* 部分是往年接獲的個案
Some cases were carried over from previous years

巡查次數 (2020年1月至8月)

Number of compliance inspections

(January to August 2020)



巡查發現主動調查的個案 (2020年1月至8月)

Number of cases arising from self-initiated investigations during inspections

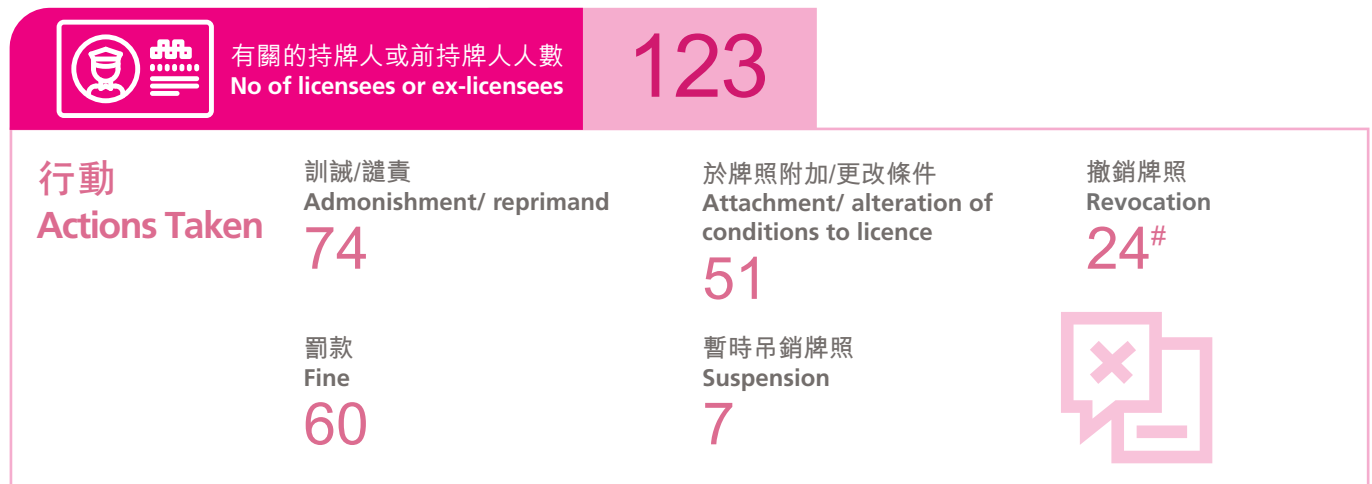
(January to August 2020)



* 部分是往年展開調查的個案
Some cases were carried over from previous years

向持牌人或前持牌人採取的行動* (2020年1月至8月)

Actions taken against licensees or ex-licensees* (January to August 2020)



* 向持牌人或前持牌人作出的行動是根據《地產代理條例》而作出的判決，當中有部份可能屬於紀律性質，包括在發牌時或在其他情況下於牌照上附加條件。

* These actions were taken pursuant to powers under the Estate Agents Ordinance. Some actions may be disciplinary in nature and others not, and they include the attachment of conditions to licences whether upon issuance or otherwise.


這些個案由牌照委員會裁定。理由是持牌人不再符合相關發牌條件。


These cases were decided by the Licensing Committee on the ground that the licensees concerned no longer meet the relevant licensing requirements.



EAA 地產代理監管局
ESTATE AGENTS AUTHORITY

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