



It pays to play
fair and proper

監管局與廉政公署攜手推出 地產代理誠信管理計劃

EAA and ICAC join hands in Integrity Management Programme for the Estate Agency Trade

為協助地產代理管理人員及前線員工提升專業操守，地產代理監管局（監管局）與廉政公署攜手推出為期三年的「地產代理誠信管理計劃」，並於2011年3月2日舉行了啟動儀式暨會議。

參與啟動儀式的嘉賓有監管局主席陳韻雲女士、廉政公署社區關係處處長穆斐文女士、地產代理公司的主管及培訓經理、以及八個業界商會的代表：香港地產代理商總會、地產代理聯會、香港地產代理專業協會、香港專業地產顧問商會、香港新界地產代理商聯會、地產代理管理協會、地產代理（從業員）總公會及地產代理人員協會。

The Estate Agents Authority (EAA) and the Independent Commission Against Corruption (ICAC) has jointly launched a three-year integrity programme to strengthen professional ethics of estate agency managers and frontline staff. The launching ceremony and conference of the programme were held on 2 March 2011.

Joining the launching ceremony were Chairman of the EAA Ms Vivien Chan, ICAC's Director of Community Relations Ms Julie Mu Fee-man, management and training managers of estate agencies and representatives of eight trade associations, including Hong Kong Real Estate Agencies General Association, Property Agencies Association, Society of Hong Kong Real Estate Agents, Hong Kong Chamber of Professional Property Consultants, H.K.N.T. Estate Agents & Merchants Association, Estate Agents Management Association, Estate Agent Association and Property Agents Association.

陳韻雲女士表示，誠信文化對有效的公司管治，以至地產市場和香港整體經濟的健康及長期可持續發展至為重要，並希望「地產代理誠信管理計劃」能更進一步推動監管局、廉署及業界的合作及互動，協助地產代理行業提高誠信文化，促進專業發展。

全新培訓影片「誠信公平可創富」於啟動儀式後首播。監管局專業發展部經理黃慧敏女士、廉政公署工商服務統籌梅綺如女士及防止貪污處首席防貪主任蕭健寬先生在首映禮後舉行講座，他們在講座上從不同角度分析「誠信公平可創富」的秘訣與實踐，並與約二百名誠信管理會議的業界參加者討論及交流。

穆斐文女士認為，要將誠信專業的精神紮根於地產代理行業，實有賴業界、監管局、廉署及各有關機構的共同努力；亦希望可以跟地產代理界保持緊密的夥伴關係，同心協力推廣專業道德，在這個基礎上，相信大家必能享受「誠信公平可創富」的成果。

Ms Vivien Chan said that a culture of probity would be of utmost importance to effective corporate governance, which contributes to the healthy and sustainable development of the real estate market and Hong Kong economy at large. This programme could promote cooperation and create interactive synergy among the EAA, ICAC and the estate agency trade, thus enhancing the culture of integrity and promoting the professional development of the estate agency trade.

The brand new training video titled "It Pays to Play Fair and Proper" was premiered after the launching ceremony. Ms Sue Wong, Manager (Professional Development) of the EAA, Ms. Mui Yee-yu, Yvonne, Programme Co-ordinator / Business Sector of ICAC and Mr. Siu Kin-foon, Principal Corruption Prevention Officer of ICAC delivered a talk after the premiere. During the talk, they discussed how to put the idea of "It Pays to Play Fair" into practice from different perspectives. They also shared their views with about 200 conference participants from trade.

Ms Julie Mu Fee-man reflected that the trade, the EAA and ICAC and all related organizations should work closely together so that the spirit of professional integrity could take root in the estate agency trade. She hoped to maintain a close partnership with the estate agency trade and work together to promote professional ethics, so that everyone could benefit from the culture of "It Pays to Play Fair and Proper".



監管局主席陳韻雲女士(右)及廉政公署社區關係處處長穆斐文女士一起主持「地產代理誠信管理計劃」啟動儀式。

EAA Chairman Ms Vivien Chan (right) and ICAC's Director of Community Relations Ms Julie Mu Fee-man at the launching ceremony of the Integrity Management Programme for the Estate Agency Trade.



在籌備「地產代理誠信管理計劃」過程中，地產代理業界商會提供了很多行業實際運作的資料，令到計劃內容能真正切合業界所需。商會代表更出席啟動儀式及講座。

The estate agency trade associations provided a lot of valuable information on the industry's actual operations during the preparation for the programme. Representatives of the trade associations also attend the launching ceremony and conference.

計劃目的及內容

「地產代理誠信管理計劃」的舉辦目的是在守法循規的基礎上進一步培育誠信文化，致力加強從業員的正面價值觀，建立一套公眾和業界認同和遵守的道德基準。

計劃的重點包括：

- 製作培訓短片，宣揚防貪信息；
- 編制地產代理公司優質管理指引；
- 提供新的誠信培訓課程。

課程內容已編製成教材，供地產代理公司和主管及培訓機構使用，透過研習這些誠信課題協助提高業界對誠信、廉潔公平等正面的價值觀的了解和認同。

監管局特別多謝業界商會支持這個計劃，在籌備過程中提供了很多行業實際運作的資料，令到計劃的內容能真正切合業界所需。

培訓影片簡介

培訓影片利用戲劇形式表達，故事中由陳信義開設的「信義行」，專為區內的街坊提供地產代理服務，多年來累積了一批街坊熟客。故事圍繞信義行員工的日常工作及與客戶的交易，透過劇中人物的處境，解釋地產代理從業員可能面對的誠信考驗及貪污風險，提醒從業員時刻保持專業操守的重要性。



客戶魯太委託地產代理公司放售物業，分行經理正哥安排她簽署地產代理協議。作為專業的持牌人，正哥應在魯太簽署地產代理協議前，向她清楚解釋協議內容，以保障其利益。

Consumer Mrs Lo appoints an estate agency company for the sale of her flat and branch manager Brother Ching arranges for her to sign the estate agency agreement. As a professional licensee, Brother Ching should explain the contents of the agreement to Mrs Lo before her signing in order to protect her interest.

Programme purpose and content

The objective of the "Integrity Management Programme for the Estate Agency Trade" is to foster a culture of integrity in the trade, in addition to the requirement of abiding by the law. The programme aims at strengthening the practitioners' positive values and establishing a moral benchmark, which the public and the industry share and strive to achieve.

The highlights of the programme include:

- developing a training video to disseminate the messages of corruption prevention;
- compiling quality management guidelines for estate agencies;
- launching new courses on enhancing integrity.

A training package has been developed for the use of estate agencies and training institutions. It is hoped that through the programme, the trade would have a better understanding on integrity, honesty and fairness and practise what they have learnt.

The EAA would like to thank the trade associations for their support to the programme and their contribution of information on the industry's actual operations, which sharpens the focus of the programme and meets the needs of the industry.

Introducing the training video

The training video is presented through a drama. In the story, Shun Yee Hong Property Agency, founded by Chan Shun-ye, specializes in serving clients of the neighborhood and has built up a regular clientele over the years. Through the depiction of the situations encountered by the characters in the daily work and their transactions with consumers, the drama reveals the challenges to integrity and corruption risks faced by the practitioners, and reminds them of the importance of adhering to professional ethics at all times.



地產代理阿威（左）及上司Vincent遇到誠信考驗，有發展商向他們行賄，私下給予額外佣金。作為管理層，Vincent應嚴肅處理事件，除告誡阿威切勿參與此等貪污罪行外，亦應加強阿威對法規的認識。

Estate agent Ah Wai (left) and supervisor Vincent encounter a situation where a developer intends to bribe them with an additional under-the-table commission. As a manager, Vincent should treat the incident seriously. In addition to warning Ah Wai not to participate in such corrupt acts, Vincent should also enhance Ah Wai's understanding of the legal consequences.



地產代理阿威(左)及上司Vincent(右)帶客戶馬小姐(中)視察樓盤。阿威在向馬小姐提供樓盤附近的未來發展計劃、設施及景觀等資料時，應採取一切合理步驟核實資料，不得作出任何可能誤導客戶的陳述。

Estate agent Ah Wai (left) and his supervisor Vincent (right) take client Ms Ma (middle) to inspect a flat. When making remarks to Ms Ma regarding information such as the future development of the vicinity, facilities and view from the flat, Ah Wai should take all reasonable steps to verify the information and make sure that no misleading representations are made to the clients.



作為地產代理公司的管理層，老闆陳信義(中)與兩名經理正哥(右)及Vincent(左)定期檢討公司的管理政策及執行情況，以便完善公司的制度，履行管理問責。

As management of the estate agency company, boss Chan Shun-ye (middle) and the two managers Brother Ching (right) and Vincent (left) regularly review the company's management policy and its execution in order to improve the company's system.

培訓教材包括地產代理業專業誠信培訓短片及故事內容分析，並分別以「管理人員篇」、「前線代理篇」及「消費者篇」為題，從有效管理及防貪角度闡釋專業操守如何保障地產代理從業員、公司、業界以至客戶的利益，並同時提醒消費者委託代理處理物業交易時須注意的事項。

地產代理業界商會代表的意見

香港地產代理商總會主席朱建蘭女士認為，計劃能提升業界誠信，有助建立正面及專業形象。培訓影片的演員表現出色，有助地產代理從業員認識誠信管理的重要性。

地產代理聯會主席郭德亮先生對計劃表示支持，認為誠信能幫助公司管理及有助業界建立專業形象，提升顧客的信心。培訓影片能夠使同業更明白誠信對公司管理的重要性。

The training package includes a training video on professional ethics for the estate agency trade and story analyses for managers, frontline agents and consumers. The analyses illustrate how professional ethics can safeguard practitioners' own interests and those of their consumers, agencies and the industry, from the perspective of an effective management and corruption prevention. The package also reminds consumers of the points to note when appointing an agent to handle a property transaction.

Views from representatives of estate agency trade associations

Chairman of the Hong Kong Real Estate Agencies General Association Ms Chu Kin-lan agreed the programme could enhance the integrity in the industry and is conducive to establishing a positive and professional image. The actors' outstanding performance could also help the practitioners to understand the importance of integrity management.

Chairman of the Property Agencies Associations Mr Tony Kwok supported the programme, commenting that integrity would be conducive to good corporate governance and establishing a professional image, thus earning public trust in the trade. The video could help the industry to understand better the importance of integrity to corporate governance.

President of the Society of Hong Kong Real Estate Agents Mr Denys Kwan said that he valued integrity and would very much support the programme. In dealing with

香港地產代理專業協會會長關樂平先生說，他重視誠信及非常支持該計劃，並認為從業員接觸層面廣泛，受引誘機會較多，培訓影片及講座雖未能涵蓋所有陷阱，但能夠教育及提醒同業們，溫故知新。

香港專業地產顧問商會會長汪敦敬先生認為，教育員工重視誠信可避免公司及顧客利益受損。計劃能加強業界的正確價值觀及專業，而培訓光碟可考慮全套上載至互聯網，以此作為宣傳誠信管理的平台，同時業界也可通過流動電子產品瀏覽訊息。

香港新界地產代理商聯會主席邱慶新先生認為，計劃有助業界加深對貪污的了解，而培訓影片內容全面，案例過程清晰易明，有助了解貪污問題及誠信管理。

地產代理管理協會會長葉潔儀小姐認為，計劃由監管局及廉署舉辦可令訊息統一，效果比商會自己舉辦更好，計劃的安排亦非常切合業界需要，戲劇形式表達更容易吸收。

地產代理（從業員）總公會主席吳元興先生表示，計劃有助大、中、小型代理行制定守則，並有助業界了解誠信的重要性，影片亦能有效提醒從業員注意日常行為，信息正確直接。監管局亦可考慮將講座定為必修科，或於續牌時引入相關評核，鼓勵業界多了解誠信。

地產代理人員協會主席何潔芝女士同意計劃可提升業界的規範，有助管理層制定管理方案；而講座可令業界與時並進，掌握最新資訊。她建議定期更新影片以配合環境轉變，並上載到互聯網讓更多人收看。



various parties, practitioners may often be exposed to temptations. The training package, seminars, together with the training video can effectively educate the practitioners on the values of integrity.

President of the Hong Kong Chamber of Professional Property Consultants Mr Lawrence Wong commented that enhancing employees' integrity could help safeguard the interests of the company and customers. The programme, through strengthening positive values and professionalism, serves to achieve this objective. The training video should be uploaded to the web and preferably also accessible by mobile devices, which could widely publicise the importance of integrity management.

Chairman of the H.K.N.T. Estate Agents & Merchants Association Mr Yau Hing-sun commented that the programme could deepen the industry's understanding of the problem of corruption. The content of the video was comprehensive, with clear illustrations of cases. It was easy to understand and helped the trade to gain better understanding of corruption and integrity management.

President of the Estate Agents Management Association Ms Kitty Ip said the programme, jointly organised by EAA and ICAC, could present a consistent message and should thus achieve better results than those organized by individual trade associations. The programme arrangement could meet the industry's need and the presentation in the form of a drama could facilitate the practitioners to understand the message.

Chairman of the Estate Agent Association Mr Evan Ng agreed the programme could help set the rules for large-, medium- and small-sized agencies and help the industry to understand integrity. The video with its clear messages could effectively remind practitioners to pay attention to their daily practices. To enhance the knowledge of integrity in the trade, the EAA should consider making the programme compulsory and as a condition for licence renewal.

Chairman of the Property Agents Association Ms Rosanna Ho agreed the programme could improve the standard of practice in the trade and facilitate the management to develop management policies. The seminars could enable the practitioners to master the latest information and develop. She suggested the video be updated regularly in response to societal changes and uploaded to the Internet for viewing of a wider audience.

逾200名地產代理業界，包括公司主管、分行經理、業界商會代表等觀看全新培訓影片「誠信公平可創富」的首播，座無虛席。

Over 200 audience from the trade, including estate agency management, branch managers and trade association representatives watch the premiere of the new training video "It Pays to Play Fair and Proper".

有關銷售一手住宅樓盤的最新執業通告

New practice circular on first sale of residential properties



監管局執業及考試委員會主席梁永祥先生和規管及法律總監劉淑榮女士舉行記者會，簡介局方就一手樓盤銷售發出新的執業通告。

Chairman of the Practice & Examination Committee of the EAA Mr William Leung Wing-cheung and EAA Director of Regulatory Affairs & General Counsel Ms Eva Lau brief the press on the new practice circular on first sale of residential properties.

監管局已就有關規管一手住宅樓盤的銷售發出最新執業通告，該通告已於2011年5月1日生效。

新的執業通告（即編號11-02(CR)）主要規管地產代理從業員在推銷一手住宅樓時的操守，用以取代監管局於去年發出的通告（即第10-03(CR)號通告）。新執業通告的重點包括以下各項：

1. 員工培訓

為員工提供適當培訓，確保員工具備所需知識及專業技能，依法進行一手住宅樓盤的銷售活動。

2. 員工監督

委任員工監督以監督一切有關一手住宅樓盤銷售活動的操守事宜。

3. 樓盤銷售前簡介會

在促銷每個一手樓盤前，為員工提供樓盤銷售前簡介會。

簡介會須包括但不限於介紹樓盤資料以及監管局就有關一手住宅樓盤銷售活動的操守及秩序發出的指引。

妥善保存簡介會的紀錄，並須應監管局的要求呈交有關紀錄。

4. 質素控制

採取合理措施確保及監察參與一手樓盤銷售的員工依從簡介會所提供的指引，按照法例及監管局頒佈的指引進行推廣活動。

5. 不受「同意方案」規管的樓盤說明書

以書面形式建議發展商按「法律諮詢及田土轉易處」不時對「同意方案」規管範圍下的樓盤的要求提供售樓說明書。

EAA issued a new practice circular on the sale of first-hand residential properties which has taken effect since 1 May 2011.

The new circular (circular no. 11-02(CR)), replacing the circular issued last year (circular no. 10-03(CR)), regulates the conduct in promotional activities in relation to the first sale of residential properties. Gist of the new practice circular includes:

1. Staff training

Give proper training to staff to ensure that they are equipped with the necessary knowledge and expertise to handle the first sale of residential properties in compliance with the law.

2. The controller

Appoint a controller to oversee all matters relating to the conduct in promotional activities in the first sale of residential properties.

3. Pre-sale briefings

Provide a pre-sale briefing(s) to staff prior to their conducting any promotional activities for the sale of units in each development.

The pre-sale briefing(s) must include, but not limited to, information about the development and guidelines given by the EAA regarding the conduct in promotional activities and order at first-sale sites.

Keep proper records of the pre-sale briefing(s) and supply such records to the EAA upon request.

4. Quality control

Take reasonable measures to ensure and monitor staff involved in promotional activities of the first-sale follow the guidelines given in pre-sale briefing(s) and conduct promotional activities in compliance with the law and guidelines promulgated by the EAA.

5. Sales brochures for developments not subject to the Consent Scheme

Advise the developer in writing to follow the requirements of the Legal and Advisory And Conveyancing Office for the Consent Scheme to provide sales brochure.

6. 宣傳物品

發出宣傳物品前，核實宣傳物品所載資料的準確性及取得發展商就所載資料的準確性的明確書面批署。

7. 售樓說明書及價目表

不得自行編制售樓說明書或價目表。

監管局執業及考試委員會主席梁永祥先生聯同監管局規管及法律總監劉淑棻女士，於2011年4月12日舉行新聞發布會，公布新的執業通告的主要內容。發布會吸引了26間傳媒機構採訪，各大主要電子及印刷傳媒於當日及隨後數日報道了有關新執業通告的消息。

新執業通告已經生效，各地產代理須切實遵照新執業通告內的規定及指引行事。監管局亦於發出執業通告後，舉辦了一手樓盤銷售新指引的專題講座。

6. Promotional materials

Verify the accuracy of the information in the promotional materials and obtain the developer's express endorsement in writing of the accuracy of the information contained therein before issuance.

7. Sales brochures and price lists

Do not prepare their own sales brochures or price lists.

Chairman of Practice and Examination Committee of the EAA Mr William Leung Wing-cheung and EAA Director of Regulatory Affairs & General Counsel Ms Eva Lau hosted a press briefing on 12 April 2011 to announce the content of the new practice circular. Representatives of 26 media groups attended the briefing. Major electronic and print media issued news reports about the new practice circular on the same day and the next few days.

The new practice circular is now in effect. Estate agents must comply with the regulations and guidelines in the circular. The EAA has organized a seminar regarding the new guidelines on the sale of first-hand properties after the issuance of the practice circular.

245名持牌人獲推薦參加 內地與香港地產代理專業資格互認計劃

245 licensees nominated to participate in the scheme of mutual recognition of professional qualifications of estate agents in the Mainland and Hong Kong

申請參加內地與香港地產代理專業資格互認計劃下的第一期培訓課程及考試，已於2月底截止報名。共有245名申請人通過資格審核，獲推薦參加於7月舉行的培訓課程及考試。

根據該計劃，符合資格的香港持牌地產代理，可申請推薦參與該計劃。監管局在限期屆滿時共收到266份申請，其中有其中245名申請者獲監管局批核及推薦。

該批獲得監管局推薦的申請人，將參加於2011年7月18至20日於深圳舉行的培訓課程和考試。凡完成訓練課程並通過考試的香港考生，可於考試合格後的12個月內申請在內地執業的資格。

互認計劃的安排得以落實，實有賴監管局於2009年成立的互認計劃工作小組制訂計劃的細節。監管局衷心感謝工作小組為計劃付出寶貴意見、努力和時間。工作小組的成員包括：黃嘉純先生（主席）、王羅桂華女士、洪小蓮女士、馬少雄先生、郭昶先生及葉潔儀女士。（排名按照中文姓氏的筆劃序）

Application for nomination for the training course and examination for the first phase of the scheme of mutual recognition of professional qualifications of estate agents in the Mainland and Hong Kong was closed at the end of February 2011. A total of 245 applicants are eligible and nominated to participate in the training course and examination scheduled for July.

According to the scheme, the EAA can nominate licensees who have fulfilled a number of requirements to participate in the scheme. Within the period of application, the EAA received a total of 266 applications, of which 245 applications were approved and nominated.

Candidates nominated by the EAA will participate in the training course and take the examination to be held from 18 to 20 July 2011 in Shenzhen. Upon completing the course and passing the examination, Hong Kong candidates can apply within 12 months for a qualification to practise in the Mainland.

The scheme went ahead smoothly, thanks to the efforts of the CEPA Working Group, which was formed by the EAA Board in 2009 and responsible for designing the implementation details of the scheme. The EAA would like to thank members of the Group for their invaluable advice, as well as time and efforts spent. Members of the Group included: Mr Lester Huang (Chairman), Mrs Karen Wong Law Kwai-wah, Ms Katherine Hung Siu-lin, Mr Paul Ma Siu-hung, Mr Anthony Kwok Chong, and Ms Kitty Ip Kit-ye (the order is set in accordance with the number of strokes of their Chinese surnames).

監管局網頁新面貌

New look for EAA website



監管局最近革新網站，藉此加強與持份者溝通，同時令使用者更迅速地找到所需的資訊。新網站已於2011年4月1日正式推出，不但以全新的版面和大家見面，更根據使用者的不同需要重新編排資料，並新增多項功能，查找資訊更快捷方便。

全新版面 首頁動畫

重新設計後的網站，以淺藍色為主色，簡潔的色彩搭配及版面配置讓使用者瀏覽時更舒適。主頁正中設置「最新消息」，讓使用者一登入網站就能看到監管局的最新動向；下面的動畫則扼要介紹了地產代理工作，市民可更容易明白地產代理的角色。

The EAA has recently revamped its website in order to strengthen its communication with stakeholders and strengthen the processing of information search. The new website was launched on 1 April 2011 with a brand new interface. Many new functions are added, and information is reorganised to better address users' needs. Search of information is now quicker and easier.

New layout with animation on homepage

With light blue as the theme colour, the website adopts a simple colour combination and layout, enabling users to navigate through the website more comfortably. The section of "What's New" at the centre of homepage also facilitates users to know the EAA's latest moves upon logging on the website. The animation below the section succinctly describes the work of estate agents so that the public can better understand their roles.

監管局新網站主頁



Homepage of new EAA website



更詳盡選項

新網站的主選單位於頁面上方，選項包括：

- 主頁
- 關於監管局
- 考試
- 發牌
- 規管
- 投訴
- 紀律研訊
- 持續專業進修計劃
- 最新消息

主選單新增考試、規管等選項，涵蓋範圍更全面，尤其在「關於監管局」選單下，有更多資料可讓大眾進一步了解監管局的工作。如果在主選單找不到想要的資料，使用者亦可於頁面右上角空格鍵入關鍵字作站內搜尋。

常用資料

為方便使用者，監管局在重新編排網站內容時，將常用資料「監管局刊物」、「常用表格」及「主要數字」加到網站右面的選單，多添一個尋找資訊的捷徑，省卻在主選單查找的麻煩。

新增使用者類別分類選項

除「消費者專區」外，網站新增「持牌人」及「準備考牌」使用者類別分類選項，除首頁的圖示，所有版面的右手邊亦可找到這三個選項，使用者一按即可找到與自己有關的資訊。

More comprehensive menu

The main menu is positioned at the top of the page. Options include:

- Home
- Examination
- Compliance
- Disciplinary Proceedings
- What's New
- About EAA
- Licensing
- Complaint
- CPD Scheme

The menu is now more comprehensive with the addition of new items such as "Examination" and "Compliance". In particular, more information is provided under the menu of "About EAA" so that the public could know more about the work of the EAA. Viewers can also input keywords into the text box at the top right hand corner of the page to conduct a site search if they do not know where to find the information they need in the main menu.

Useful information

Popularly searched information including "Publications", "Forms" and "Key Figures" are now put on the right sidebar for the convenience of users. These new shortcuts serve to save users time of searching through the main menu.

New sections categorized by user types

In addition to "Consumer Corner", the website has added new sections for "Licensee" and "Prospective Licensee". Users can access these three sections with the icons on homepage as well as the sidebar on the right on all pages. Information can be reached more quickly and easily.



「持牌人」專頁



Licensee page

消費者教育短片



Consumer education video



消費者教育資訊

新網站加強了消費者教育方面的資訊，並上載了最新製作的消費者教育短片，讓市民可以多媒體掌握更多購置或租賃物業方面的知識。

搜尋紀律處分紀錄

網站最新引入紀律處分紀錄搜尋功能，使用者只需輸入代理牌照號碼、持牌人名稱或營業名稱等資料，即可查詢持牌人過去兩年內的紀律處分紀錄，簡化了搜尋程序，亦增加了透明度。搜尋器設於「紀律研訊」選單內。

除上述新增功能外，網站將於本年內推出電子服務，為持牌人提供更便捷的網上服務。監管局將於稍後公布這項服務的詳情。

Enhanced consumer education

The new website has enhanced the information for consumers and uploaded a consumer education video. Through this video and other publications, the public can acquire more knowledge about home buying or leasing.

Searching disciplinary records

The website has introduced a new function - "Disciplinary Records Search". Users can find out the disciplinary records of any licensee in the past two years by inputting one of the following: the licence number, licensee's name or business name. The new function has simplified the search process and increased the transparency of the records. The search engine is under the "Disciplinary Proceedings" section.

Besides the above new functions, the EAA will launch its E-services later in the year to provide licensees with more convenient online services. The EAA will announce details of this service in due course.

紀律研訊個案分享 -

在公眾地方以粗言穢語辱罵其他地產代理公司的從業員

Inquiry hearing case -

Scolding practitioners of another estate agency company with abusive and foul language in a public place

地產代理從業員之間的競爭一向都十分激烈，其中尤以工作於相鄰店舖者為甚。從業員應注意保持地產代理行業的公眾形象，保持互相尊重，避免於公眾地方及於客人面前以冒犯性的言辭互相爭辯。

一宗紀律研訊的案件涉及兩位受僱於兩間相鄰店舖的地產代理公司(甲公司及乙公司)的從業員。受僱於甲公司的從業員甲陪同兩位客人(“該客人”)視察一所物業之後，安排該客人視察另外一所物業。途中，從業員甲與該客人行經甲公司及乙公司店舖前的通道。當該客人在乙公司店前稍作停留並瀏覽櫥窗廣告時，乙公司的一名營業員(從業員乙)步出店舖外，試圖向該客人派發廣告單張，引起了從業員甲的不滿，兩者遂發生爭執，從業員乙更在該客人面前以粗言穢語辱罵從業員甲。

上述案件中的證據顯示有關的爭執是於公眾地方及於客人面前發生。從業員乙以粗言穢語辱罵從業員甲的行為，會令公眾以為地產代理欠缺基本禮貌，同業之間互不尊重，損害行業的公眾形象。紀律委員會認為，從業員乙沒有避免做出可能令地產代理行業信譽及/或名聲受損的行為，因而沒有遵守《操守守則》第3.7.2段，從業員乙的營業員牌照被暫時吊銷7天。

Competition amongst estate agency practitioners is always keen, in particular, for those working in the adjacent shops. Practitioners should pay attention to public image of the trade and mutual respect by avoiding offensive arguments in a public place and in the presence of clients.

In this inquiry hearing case, practitioners from two adjacent estate agency companies, Company A and Company B, were involved. The practitioner of Company A (Agent A) accompanied two prospective clients (“the Clients”) to view a property. After the viewing of that property, Agent A intended to arrange for the Clients to view another property nearby. On their way to that property, Agent A and the Clients passed by a common public area outside Company A and Company B. When the Clients briefly stopped outside Company B and looked at the advertisements on Company B’s shop window, a practitioner (Agent B) of Company B came out to approach the Clients and attempted to hand them some advertising leaflets. An argument between Agent A and Agent B thus ensued and then escalated. Agent B scolded Agent A with abusive and foul language in front of the Clients.

The evidence of the case revealed that the dispute took place in a public place and in the presence of the Clients. The abusive and foul language used by Agent B gave an unpleasant impression to the public that courtesy and mutual respect did not exist in the estate agency trade. The EAA Disciplinary Committee was of the view that Agent B had not complied with paragraph 3.7.2 of Code of Ethics, in that he had failed to avoid practice which might bring discredit and/or disrepute to the estate agency trade. Hence, Agent B’s salesperson’s licence was suspended for a period of seven days.

紀律研訊個案分享 - 沒有採取合理及切實可行的步驟 以查核有關物業內曾否有死亡事件發生

Inquiry hearing case -
Failure to carry out reasonable and practicable steps to
check whether any death incident had occurred in the flat

當有客人查詢擬購買或承租的物業內曾否有死亡事件發生時，從業員應採取合理及切實可行的步驟找出答案；否則，從業員有可能被視作沒有保障和促進客戶的利益。

一名從業員安排買家及其家人視察一所住宅物業。期間，他們向該從業員查問該物業內曾否發生死亡事件及有沒有「污糟嘢」，該名從業員回答該物業沒有問題。該名從業員於兩天後安排買家簽署臨時買賣合約（臨約）。買家於簽署臨約之前，再向該名從業員查詢有關物業內曾否發生死亡事件及「乾唔乾淨」，該名從業員同樣表示該物業沒有問題。

該名買家於物業成交後，發現了一則數年前於報章上刊載的報道，當中記述了一名與前業主姓名相似的男子在其住所自殺身亡，而且男事主的住址與該物業位於相同大廈及相同樓層。該名買家懷疑物業內曾發生自殺事件，遂向監管局投訴。

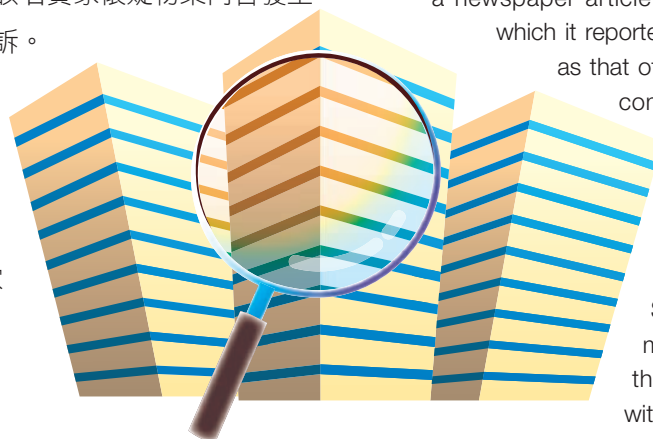
監管局在調查有關投訴時，發現該物業的土地查冊有一項備註，與前業主死亡有關。原來在買家

When a client asks a salesperson whether a death incident has occurred in a flat that he intends to purchase or rent, the practitioner should take reasonable and practicable steps to find out the answer. Failure to do so may amount to failure to protect and promote the interests of the client.

In this inquiry hearing case, an estate agency practitioner arranged for the purchaser and her family member to view a residential property. When the practitioner was asked whether any death incident or any “dirty things” had occurred in the property, the practitioner replied that there was no problem. Two days later, the practitioner arranged for the purchaser to enter into a provisional agreement for sale and purchase (PASP) of the property. Prior to her signing of the PASP, the purchaser asked the practitioner again whether any death incident had occurred in the property before and whether it was “clean”. The practitioner gave the same reply that the property had no such problem.

After completion of the transaction, the purchaser found a newspaper article published several years ago, in which it reported that a man with a similar name as that of the former owner of the property committed suicide in his residence.

The article also reported the address of the deceased, which was on the same floor and at the same building as the property bought by the purchaser. Suspecting that a suicide case might have occurred in the property, the purchaser lodged a complaint with the EAA.



簽訂臨約之前，從業員沒有告知買家土地查冊內載有關於前業主死亡的備註，也沒有向買家提供土地查冊文本。

監管局紀律委員會認為，該名從業員沒有採取合理及切實可行的步驟查核有關物業內曾否有死亡事件發生，沒有遵守《操守守則》第3.4.1段有關「地產代理和營業員應保障和促進客戶的利益」的規定。同時，該從業員也沒有按照《地產代理常規(一般責任及香港住宅物業)規例》第13(4)條所規定，在緊接臨約訂立之前，向買家提供有關土地查冊文本。紀律委員會決定向該從業員作出譴責，暫時吊銷其牌照1個月，以及在他的牌照上附加條件，要求他在兩年內取得監管局的持續專業進修計劃下的24個核心科目學分。

During the complaint investigation, it was found that the land search in respect of the property contained a registration of an entry relating to the death of the former owner of the property. Prior to signing of the PASP, the practitioner did not inform the purchaser of the entry about the death of the former owner of the property as revealed in the land search, nor did he provide a copy of the land search record to the purchaser.

The EAA Disciplinary Committee was of the view that the practitioner failed to carry out reasonable and practicable steps to check whether any death incident had occurred in the property, which was in breach of paragraph 3.4.1 of the Code of Ethics. The said paragraph states that "estate agents and salespersons should protect and promote the interests of their clients". In addition, the agent's failure to provide a copy of the land search in respect of the property immediately prior to the PASP was entered into also constituted a breach of section 13(4) of the Estate Agents Practice (General Duties of Hong Kong Residential Properties) Regulation. As a result, the practitioner was reprimanded, his licence was suspended for one month and a condition was attached to his licence, requiring him to obtain 24 points in core subjects under the Continuing Professional Development Scheme within two years.

地產代理人員協會主席何潔芝女士的意見

Views from Chairman of Property Agents Association Ms Rosanna Ho

地產代理同業之間應保持禮貌，互相尊重。其中一個案中兩名同業在客人面前以粗言穢語互相指罵，非但不尊重客人，也破壞行業的形象。

如買方曾經查詢有關物業曾否有死亡事件發生，從業員應該誠實地向買方披露載於土地查冊有關前業主死亡的備註，以便買方決定是否須要就該備註作進一步的核查，例如向大廈管理處作出查詢，否則，買方有可能在未能掌握有關資料的情況下，購買曾有死亡事件發生的物業而蒙受損失。

Estate agency practitioners should respect and be courteous to one another. In one of the cases, two practitioners' engaging in offensive arguments in the presence of clients not only demonstrated disrespect for their clients but also brought disrepute to the trade.

If purchasers asked whether any death accidents had occurred in the property, practitioners should honestly reveal the entry about the death of the former owner of the flat, which was registered in the record. As such, the purchaser can decide whether further checking should be done about the entry, for example, to make enquiries with the property management office. Otherwise, the purchaser might suffer from potential loss by acquiring a property with a record of death incidents.

活動紀要 Events and activities



2011年3月4日

監管局主席陳韻雲女士（前排右）出席香港地產代理商總會第十二屆執行委員就職典禮暨二十週年聯歡晚會。

4 Mar, 2011

EAA Chairman Ms Vivien Chan (right on the front row) attends the 12th Executive Committee Inauguration Ceremony cum the 20th Annual Gala Dinner of the Hong Kong Real Estate Agencies General Association.

2011年3月30日

監管局行政總裁余呂杏茜女士（右三）和執行總監黃維豐先生（右二）接待新加坡國會友好委員會的代表團。

30 Mar, 2011

EAA Chief Executive Officer Mrs Rosanna Ure (third from right) and Director of Operations Mr Anthony Wong (second from right) receive delegates from the Singapore-Hong Kong Parliamentary Friendship Group.



2011年3月至4月

監管局於九龍灣、荃灣及旺角東港鐵站舉辦巡迴展覽，以提升公眾對於監管局的認識及加強公眾教育。

Mar-Apr, 2011

The EAA organizes roving exhibitions at MTR stations at Kowloon Bay, Tsuen Wan and Mongkok East to raise the public awareness of the role of the EAA and to enhance consumer education.

統計數字 Statistics

牌照數目 (於2011年3月31日計算)

Number of licences (as at 31/3/2011)

營業員牌照 Salesperson's licences	17,629
地產代理 (個人) 牌照 Estate agent's licences (individual)	+ 14,355
個人牌照總數 Total no. of individual licences	31,984
地產代理 (公司) 牌照 Estate agent's licences (company)	2,512

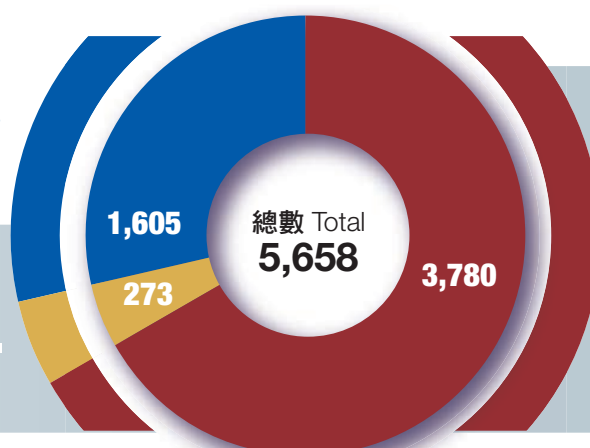
營業詳情說明書數目 (於2011年3月31日計算)

Number of statements of particulars of business
(as at 31/3/2011)

獨資經營
Sole proprietorships

合夥經營 Partnerships

有限公司
Limited
companies



接獲的投訴/破產個案數目 (2011年1月至3月)

Number of complaint / bankruptcy cases received (January to March 2011)

投訴個案 Complaint cases	158
破產個案 Bankruptcy cases	6

已處理的投訴個案結果* (2011年1月至3月)

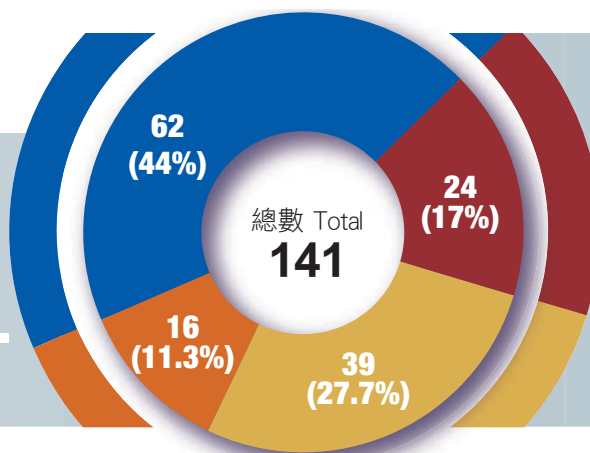
Results of completed complaint cases*
(January to March 2011)

其他 (例如投訴人撤回投訴或由於被投訴人不再是持牌人而終止調查)
Others (e.g. cases withdrawn by the complainant or curtailed because the complainee was no longer a licensee)

資料不足 Insufficient information to pursue

指稱成立
Substantiated

指稱不成立
Unsubstantiated



已處理的破產個案數目 (2011年1月至3月)

Number of completed bankruptcy cases (January to March 2011)

6*

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

巡查次數 (2011年1月至3月)

Number of compliance inspections (January to March 2011)

「一手」樓盤 First-sale sites	226
代理商舖 Agency shops	512
網上物業廣告 Online property advertisements	86

經巡查或抽查而發現並成立的違規個案 (2011年1月至3月)

Number of substantiated non-compliance cases arising from inspections or spot checks (January to March 2011) **27***

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

紀律處分 (2011年1月至3月)

Disciplinary actions (January to March 2011)

被暫時吊銷的牌照數目 Number of licences suspended	9
被撤銷的牌照數目 Number of licences revoked	0

考試及考試日期

Examination and date

參加人數

No. of candidates

合格率

Pass rate

地產代理資格考試

Estate Agents Qualifying Examination

24/2/2011	1,800	42.9%
20/4/2011	2,078	38.5%

營業員資格考試

Salespersons Qualifying Examination

25/2/2011	1,617	47.9%
21/4/2011	2,147	36.1%