



## 內地與香港地產代理專業資格互認計劃 首期培訓課程及考試圓滿結束

First training course and examination for the scheme of mutual recognition of professional qualifications for estate agents in the Mainland and Hong Kong completed

**為**促進內地房地產經紀人和香港地產代理的專業交流和長遠發展，監管局與中國房地產估價師與房地產經紀人學會（中房學）於2010年11月簽署正式協議，落實內地與香港地產代理資格互認的基本安排。

互認計劃第一期培訓課程及考試已於7月順利舉行。合共有231名香港地產代理及67名內地房地產經紀人參加。考試成績理想，逾九成的參加者通過考試。

**W**ith the aim of boosting professional exchanges between estate agents in Hong Kong and the Mainland and the long-term development of the trade on both sides, the Estate Agents Authority (EAA) and the China Institute of Real Estate Appraisers and Agents (CIREA) entered into an agreement in November 2010 to lay the foundations for the mutual recognition of professional qualifications for estate agents in the Mainland and Hong Kong.

The first training course and examination of



### 首期培訓課程及考試於深圳舉行

互認計劃的第一期培訓及考試，在今年7月18日至20日在深圳順利舉行。培訓課程的主要內容旨在令內地與香港的地產代理深入了解中港兩地的執業手法、法律制度及交易程序的差異。為了確保考取本港地產代理執業資格的內地申請者具備一定的專業水平，為內地考生而設的考試大綱及考試形式，主要參考本港地產代理資格考試。

考生考試成績理想，67名內地參加者中，有98.5%通過考試；231名香港參加者中，則有97.4%取得合格成績。考試結果已於8月19日向考生公布。凡完成課程及考試合格的兩地代理，可於接獲通知書起12個月內，申請內地或本港的執業資格。

the scheme was held in July 2011. 231 estate agents from Hong Kong and 67 from the Mainland attended the training and examination. Candidates from both sides performed well in the examination with a pass rate of over 90%.

### The first training course and examination held in Shenzhen

The first training course and examination of the scheme was held from 18 to 20 July 2011 in Shenzhen. The training course aimed at familiarising estate agents from the Mainland and Hong Kong of the differences in the ways of practice, the legal system and the procedures of property transactions between both places. To ensure that the agents from the Mainland who obtain the qualification to practise in Hong Kong would reach the required professional standard, the examination syllabus and format designed for the Mainland candidates were adapted from the Estate Agents Qualifying Examination.

The performance of students from the Mainland and Hong Kong in the examination was good. 98.5% of the 67 participants from the Mainland and 97.4% of the 231 participants from Hong Kong passed the examination. The results were released to the candidates on 19 August 2011. Candidates who have completed the training course and passed the examination can apply within 12 months upon receiving the notification for a qualification to practise in the Mainland or Hong Kong.



參加互認計劃的香港地產代理專心聆聽內地講師授課。

Hong Kong estate agents who participate in the mutual recognition scheme pay great attention at the seminar delivered by a lecturer from the Mainland



監管局講師向內地房地產經紀教授在香港執業須依循的法規。

The lecturers from the EAA explain the law and regulations relevant to estate agency practice in Hong Kong to the Mainland participants.

### 互認計劃參加者的意見

內地參加者林倩女士指出，近年內地人對投資香港樓市的興趣日益濃厚，她認為，香港對地產代理執業的規管制度十分清晰，對於內地經紀人的規管、提升質素各方面都有參考價值。

香港參加者柯興捷先生表示，通過互認計劃的課程，加深了解內地業界的經營環境和營商手法，從而為將來可能到內地發展作好準備。

### The opinions of the participants of the scheme

Participant from the Mainland Ms Lin Qian stated that Mainlanders are increasingly interested in investing in properties in Hong Kong. She commented that the regulatory regime of estate agents in Hong Kong was transparent. It is a valuable reference for regulating estate agents in the Mainland and improving their professional services.

Hong Kong participant Mr Or Hing-chit said he became more familiar with the business environment and practices of the estate agency trade in the Mainland through the training course. The knowledge he gained enabled him to be better equipped for the possible business expansion in China in future.

## 為持牌人而設的電子服務經已啟用

### E-services for licensees launched

**監**管局於2011年6月30日推出網上電子服務，讓持牌人可在網上更新個人資料及訂閱監管局各項資訊。

個人持牌人或牌照屆滿未逾兩年的前個人持牌人均可註冊使用電子服務。持牌人並可遞交《地產代理條例》第40條所規定的法定通知。請瀏覽監管局網站 [www.eaa.org.hk](http://www.eaa.org.hk)，透過點擊右上角及「持牌人」專頁內的「註冊」按鍵，註冊使用電子服務。



**T**he EAA launched E-services on 30 June 2011. Licensees can now update their personal particulars and manage their subscriptions of communications from the EAA online.

Individual licensees and former individual licensees whose licences have not expired for more than two years may use the services. Licensees can also file statutory notices under section 40 of the Estate Agents Ordinance through E-services. Please visit the EAA website ([www.eaa.org.hk](http://www.eaa.org.hk)) and register for E-services by clicking the "Register" button in the upper right hand corner and inside the section for "Licensee".





## 監管局2011年上半年工作回顧與展望

EAA reviews its work in first 6 months of 2011 and plans ahead



監管局主席陳韻雲女士（左）和行政總裁余呂杏茜女士於新聞發布會上回顧局方在2011年上半年的工作及簡介下半年工作重點。

EAA Chairman Ms Vivien Chan (left) and Chief Executive Officer Mrs Rosanna Ure review the EAA's work in the first half of 2011 and introduce its initiatives for the second half at the press conference.

**監**管局於2011年7月20日舉行記者會，由主席陳韻雲女士及行政總裁余呂杏茜女士回顧和展望監管局的工作。

陳韻雲女士指出，對應市場新情況，監管局於今年5月更新了一份有關從業員銷售一手樓執業通告。在今年下半年，監管局也會就額外印花稅事宜、保障客戶私隱及有關實用面積等發出執業通告。

余呂杏茜女士表示，監管局在上半年推出網上搜尋器，供公眾查閱從業員的違規紀錄，又在下半年推出為持牌人而設的網上電子服務。

陳韻雲女士表示，報考地產代理資格考試的考生人數以及持牌人數，在2011年上半年持續上升，而監管局收到的投訴數字則較去年同期輕微增加。

The EAA held a press briefing on 20 July 2011 in which EAA Chairman Ms Vivien Chan and EAA Chief Executive Officer Mrs Rosanna Ure reviewed and introduced the EAA's work.

According to Ms Chan, the EAA updated a practice circular on the first sale of residential properties in May 2011 in response to new market conditions. In the second half of 2011, the EAA would issue new practice circulars on Special Stamp Duty, protection of clients' personal data and the use of "saleable area" in doing estate agency work.

Mrs Ure said that the EAA launched an online search engine in the first-half of the year for the public to search for the licensees' disciplinary records. Online E-Services for licensees would be launched in the second half of the year.

Ms Chan also said that the number of candidates for qualifying examinations and the number of licensees increased substantially in the first half of the year, while the number of complaint cases received showed a slight year-on-year increase.

# 有關額外印花稅的執業通告及講座

## New practice circular and seminars on Special Stamp Duty

**隨**著有關於額外印花稅的條例草案於今年6月獲立法會通過，監管局於8月就額外印花稅的事宜發出執業通告(編號11-03 (CR))，提醒從業員在處理住宅物業買賣時，如得知該物業須繳付額外印花稅，應建議客戶協商由何方繳付，並將有關的協議在臨時買賣合約內訂明。

為了加強地產代理對於額外印花稅的了解，監管局邀請了稅務局印花稅署的人員，於2011年7月11及12日舉行兩次講座，向合共約270名業界人士講解有關額外印花稅的詳情，並將講座錄影，上載於監管局網站及製作成光碟，從業員可在網上觀看或向監管局索取講座錄影的光碟。另一次講座亦已於9月21日再次舉行。

有關額外印花稅的執業通告詳情，可參閱監管局網頁：  
[http://www.eaa.org.hk/practice/documents/11-03\\_CRC.pdf](http://www.eaa.org.hk/practice/documents/11-03_CRC.pdf)

**A**s the details of the Special Stamp Duty (SSD) had been finalised upon the passage of the Stamp Duty (Amendment) Ordinance by the Legislative Council in June, the EAA issued a practice circular on SSD (No. 11-03(CR)) in August. The circular reminds practitioners that if it is ascertained that the sale of the property being handled is subject to SSD, they should advise their clients to agree on which party shall pay the SSD and specify their agreement in the provisional agreement for sale and purchase.

In order to enhance the estate agents' understanding of the SSD, the EAA invited officials from the Stamp Office of the Inland Revenue Department to brief some 270 practitioners on the details of the SSD at the seminars held on 11 and 12 July 2011. The EAA has videotaped the seminars, uploaded the video to the EAA's website and produced DVDs. Practitioners may view the video online or request the DVDs from the EAA. Another seminar was held again on 21 September 2011.

Details on the practice circular on the SSD can be viewed on the EAA website:  
[http://www.eaa.org.hk/practice/documents/11-03\\_CRE.pdf](http://www.eaa.org.hk/practice/documents/11-03_CRE.pdf)



稅務局人員向講座參加者講解額外印花稅的詳情。

Officials from the Inland Revenue Department explain the details of the SSD to the participants of the seminar.



## 從業員在街上推銷不可造成阻礙或滋擾

Practitioners must not cause nuisance or obstruction when promoting business in streets

**在**街上進行推銷活動，不但會在公眾地方造成阻礙，也對行人造成滋擾。監管局收到有關政府部門反映，希望提醒從業員，在街上進行推銷活動時行為須適可而止，並且要注意相關的法例。

從業員須注意，任何人士在公眾地方不斷請求他人光顧任何業務，以致對該人造成煩擾；或無合法權限或解釋，在街道展售東西，而導致在公眾地方造成煩擾或阻礙，均有可能違反《簡易程序治罪條例》，可被判處罰款或監禁。

從業員在公眾地方推銷時，行為不應過分進取，例如阻截行人、在對方已表明無意購買後仍然不斷尾隨及游說等。從業員須以專業的方式行事，不得以惡劣或不專業的態度對待拒絕接受推銷的行人。

Promotional activities in busy streets to solicit business can cause obstruction in public places and nuisance to passers-by. The EAA received reports from the Government and wishes to remind practitioners that they must not be over-aggressive when conducting such promotional activities and they should be mindful of the relevant legislation.

Practitioners must note that any person who in a public place, to the annoyance of any other person, importunes such a person to give his custom to any business; or without lawful authority or excuse causes any annoyance or obstruction in any public place by exposing anything for sale in any street may be in breach of the Summary Offences Ordinance and liable to a fine or imprisonment.

Practitioners must not be over-aggressive when conducting promotional activities in public places. For example, they should not stand in the way, stalk or persistently solicit business after a passer-by has indicated that he is not interested in making any purchase. Practitioners must act professionally and must not treat a passer-by who refuses to give them business rudely and unprofessionally.

## 地產代理專業服務受表揚

Estate agent complimented for professional performance

**提**供專業和優質的服務，是地產代理贏取客戶的信任和讚賞的必然之道。近日監管局收到愉景灣一名外籍居民的來信，讚揚於該區工作的地產代理謝小姐的工作表現。

該名外籍居民稱讚謝小姐服務用心，態度親切積極。謝小姐按照他的要求和家庭狀況，為他物色理想單位承租，努力為他議價，爭取相宜的租金。租約簽妥後，謝小姐又為他跟進單位內的維修及開設水電煤氣等帳戶事宜。

監管局對於持牌人獲嘉許，深感鼓舞。監管局將繼續致力提高從業員的專業水平。

The provision of quality and professional services by practitioners is the key to winning their clients' trust and compliments. The EAA has recently received a letter from an expatriate resident of Discovery Bay praising the performance of Miss Tse, an estate agent working in the area.

In the letter, Miss Tse was praised for serving her client with dedication and for her positive attitude. Miss Tse spared no efforts in searching for flats that suited her client's requirements and family needs. She also negotiated with the landlord on behalf of her client for a reasonable rent. After the signing of the lease, she followed up the repair works of the flat as well as the setting up of accounts for utilities.

The EAA is pleased that the licensee is complimented for her service and will continue to promote the professional standards of the trade.





## 紀律研訊個案 — 收購舊樓違反守則

Inquiry hearing case –

Breaching regulations when  
engaging in the acquisition of  
old buildings

近年舊樓收購活動越加頻繁，地產代理亦有參與其中。監管局提醒從業員在參與舊樓收購活動作重建用途，必須遵守《地產代理條例》、其附屬法例、《操守守則》以及相關的執業通告，否則有可能被紀律處分。

一名地產代理參與收購某舊樓大廈作重建用途，與大廈各業戶磋商，但其中一位業主多次拒絕其收購建議。該代理稍後向該業主發信，聲稱收購建議已得到大廈內85%業主同意出售單位及已簽約支持。該業主懷疑信內聲稱的真確性，遂向監管局投訴。

監管局經過查證之後，發現截至該封信件發出為止，只有60%不可分割業權分數的業主簽署了出售其物業的買賣協議，該代理在信件中的陳述欠缺合理的基礎。

監管局紀律委員會就上述個案進行紀律研訊，認為該名地產代理沒有遵守《操守守則》中第3.7.2段中「地

In recent years, there has been an increase in the number of acquisitions of flats in old buildings and some estate agents are involved in such activities. The EAA reminds practitioners when engaging in such activities that they must comply with the Estate Agents Ordinance and its subsidiary legislation, the Code of Ethics and practice circulars issued by the EAA. Non-compliance of the above may be subject to disciplinary actions.

An estate agent approached flat owners of an old building for a discussion on the acquisition of the building for redevelopment but one of the flat owners repeatedly declined the agent's offer. The agent later issued a letter to that owner, claiming that 85% of the owners of the building had entered into an agreement to sell their units. As the owner doubted the accuracy of such a claim, he lodged a complaint with the EAA.

The EAA conducted an investigation into the case and discovered that only 60% of the undivided shareowners had sold their units in the building when the letter was issued. The statement in the agent's letter was made without proper bases.

The EAA Disciplinary Committee conducted an inquiry hearing into the case and was of the view that the estate agent had failed to comply with 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". He



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」的守則，故決定予以譴責及在其牌照上附加條件，要求他在一年內取得持續專業進修計劃下的核心科目12個學分，並暫時吊銷其牌照14天。

另一方面，該名代理所屬的地產代理公司，沒有設立妥善的程序或制度以監督和管理其地產代理工作的業務，違反《地產代理常規（一般責任及香港住宅物業）規例》第15條，被紀律委員會訓誡及罰款2萬元。

was therefore reprimanded and a condition was attached to his licence, requiring him to obtain 12 points in core subjects under the Continuing Professional Development Scheme within a year. Also his licence was suspended for 14 days.

In addition, the Disciplinary Committee found that the estate agency company concerned had failed to establish proper procedures or systems to supervise and manage its business of estate agency work, and was thus in breach of Section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation. The Disciplinary Committee decided that the company should be admonished and fined \$20,000.

## 紀律研訊個案一 提供失實物業資料引致客戶損失

Inquiry hearing case –

Client suffering from a loss caused by the provision of false property information



**置**業人士在考慮買賣物業的過程中，十分依賴地產代理所提供的物業資訊，因此從業員必須確保提供給客戶的物業資料準確無誤，以保障消費者利益，以免行業聲譽受損。

一名從業員安排準買家兩次視察一項物業。在兩次物業視察中，從業員均向準買家表示，該物業只有15年樓齡，並在第二次視察期間出示一份土地地冊文本，指出大廈公契的日期以證明該物業的樓齡。

Purchasers rely heavily on the information provided by practitioners in property transactions. Practitioners must ensure the accuracy of the property information provided to clients, so that consumers' rights can be protected and disrepute to the trade can be avoided.

A practitioner arranged a prospective purchaser to inspect a property twice. The practitioner informed the prospective purchaser that the age of the property was 15 years during both of the inspections. In the second inspection, the practitioner showed a copy of land search of the property and pointed to the record of a "Deed of Mutual Covenant with Plan" as proof of the age of the property.

The purchaser then signed a provisional agreement for sale and purchase for the property with the vendor and also paid the vendor a deposit of \$300,000. The purchaser later discovered from the occupation permit of the property that the age of the property was 26 years.



買家隨後與物業賣方簽訂臨時買賣合約，並準備繳付30萬元作為訂金。後來，買家根據物業估用許可證，發現該物業的樓齡應為26年。

買家決定不完成這項買賣交易，已交付的訂金因此遭賣方沒收。買家隨後向監管局投訴該名從業員。

監管局紀律委員會就上述個案進行紀律研訊。該從業員在向準買家提供關於該物業樓齡的資料前，沒有盡量小心和盡一切應盡的努力查核有關資料是否準確，以致準買家遭受損失，未有遵守《操守守則》第3.5.1段中所述「地產代理和營業員在履行職務時必須盡量小心和盡一切應盡的努力」的守則。監管局紀律委員決定對該從業員作出譴責，並暫時吊銷其牌照14天。

The purchaser thus decided not to proceed with the purchase. The deposit of \$300,000 was forfeited by the vendor and the purchaser lodged a complaint against the practitioner.

The EAA Disciplinary Committee conducted an inquiry hearing into the case. Before providing information to his client regarding the age of the property, the practitioner did not exercise due care and due diligence to verify the accuracy of the information, causing the purchaser to suffer from loss. The practitioner therefore did not comply with the relevant regulation in paragraph 3.5.1 of the Code of Ethics, which states that "estate agents and salespersons shall, in fulfilling their duties, exercise due care and due diligence". The practitioner was reprimanded and his licence was suspended for 14 days.

## 地產代理管理協會會長葉潔儀女士的意見

Views from the President of the Estate Agents Management Association

Ms Kitty Ip

這兩個個案令我們意識到物業代理應該遵從規則及操守，避免違規及墮入任何涉嫌違規的陷阱，導致得不償失。地產代理在任何交易過程中，遵守規則之餘，遇到灰色地帶亦不要「踩鋼線」，否則便要承擔後果。

地產代理可藉著閱讀參考書、參與進修課程等提升本身的競爭力，以實力贏取好業績。同時，地產代理應遵守監管局的指引及法例要求，在提供優質服務之同時，得到顧客及社會的認同，提升行業的形象。

As the two cases illustrate, estate agents should comply with the regulations and the Code of Ethics, and should avoid breaching any regulations and stay away from any trap of possible breaches, as they would risk losing their business and reputation. In the course of handling property transactions, estate agents should comply with the regulations, especially when they are confronted with grey areas, or they will suffer the consequences.

To raise profits, estate agents can enhance their competitiveness by reading good reference books and participating in professional development courses. Moreover, they should comply with the guidelines issued by the EAA and the law. Estate agents should provide quality services to their clients so as to win recognition from society and to promote the trade's image.

## 活動紀要 Events and activities



2011年7月28日

監管局主席陳韻雲女士(左七)和行政總裁余呂杏茜女士(左五)出席美聯集團聯同香港公開大學合作舉辦的「地產業界高峰會—香港房地產發展趨勢、機遇與挑戰」會議。

28 July, 2011

EAA Chairman Ms Viven Chan (seventh from left) and Chief Executive Officer Mrs Rosanna Ure (fifth from left) at the conference "Towards Professionalism in Estate Agency - Challenges and Opportunities" co-organised by Midland Holdings and the Open University of Hong Kong.

2011年8月24日

監管局舉辦從業員「聚焦小組」，出席的從業員正踴躍地與監管局職員交流意見。

24 Aug, 2011

The EAA organised focus group meeting with licensees and had a lively discussion with participants.



2011年8月30日

監管局行政總裁余呂杏茜女士(中)出席於澳門舉行的「2011年京港澳房地產法律論壇」。

30 Aug, 2011

EAA CEO Mrs Rosanna Ure (middle) attended the "Beijing, Hong Kong and Macau Real Estate Law Forum 2011" held in Macau.

## 統計數字 Statistics

### 牌照數目 (於2011年6月30日計算)

Number of licences (as at 30/6/2011)

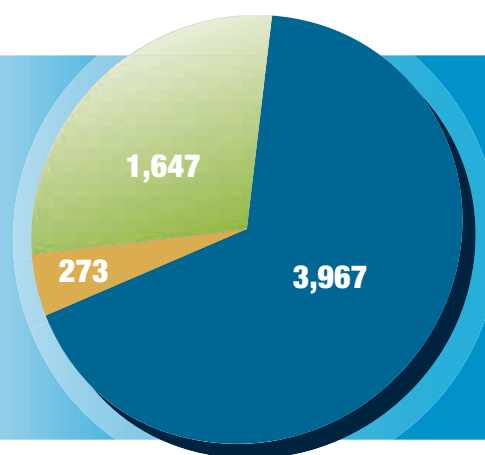
營業員牌照 Salesperson's licences	18,165
地產代理 (個人) 牌照 Estate agent's licences (individual)	+ 14,857
個人牌照總數 Total no. of individual licences	33,022
地產代理 (公司) 牌照 Estate agent's licences (company)	2,608

### 營業詳情說明書數目 (於2011年6月30日計算)

Number of statements of particulars of business  
(as at 30/6/2011)

獨資經營  
Sole proprietorships

合夥經營 Partnerships



總數 Total  
**5,887**

有限公司  
Limited  
companies

### 接獲的投訴/破產個案數目 (2011年1月至6月)

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

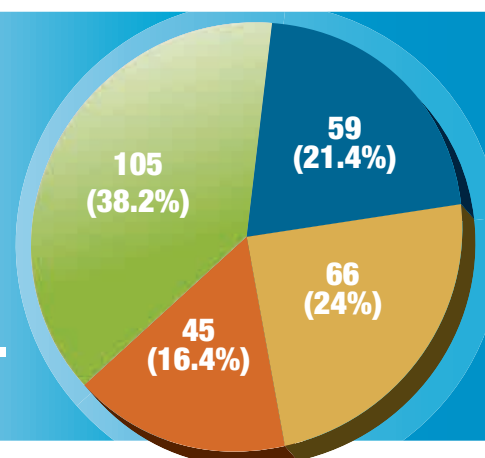
投訴個案 Complaint cases	288
破產個案 Bankruptcy cases	21

### 已處理的投訴個案結果\* (2011年1月至6月)

Results of completed complaint cases\*  
(January to June 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 complaine was no longer a licensee)

資料不足 Insufficient information to pursue



總數 Total  
**275**

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6月)

Number of completed bankruptcy cases (January to June 2011)

**17\***

\* 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6月)

Number of compliance inspections (January to June 2011)

「一手」樓盤 First-sale sites	465
代理商舖 Agency shops	714
網上物業廣告 Online property advertisements	222

### 主動調查完成而指稱成立之個案 (2011年1月至6月)

Number of substantiated non-compliance cases conducted by the self-initiated investigation (January to June 2011)

47\*

\* 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6月)

Disciplinary actions (January to June 2011)

被暫時吊銷的牌照數目 Number of licences suspended	15
被撤銷的牌照數目 Number of licences revoked	2

### 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%
24/6/2011	2,748	40.5%