



EAA's New Chairman  
Mr William Leung Wing-cheung, BBS, JP  
監管局新任主席梁永祥先生, BBS, JP



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## 新一屆地產代理監管局董事局

香港特區行政長官已委任新一屆地產代理監管局(監管局)董事局成員，任期兩年，由2014年11月1日起生效。其中梁永祥先生，BBS，JP獲委任接替陳韻雲女士，SBS，JP出任董事局主席，而廖玉玲女士，JP則獲委任副主席。

陳韻雲女士由2008年11月起獲政府委任為監管局主席，任期至2014年10月31日屆滿。梁永祥先生自2004年11月起獲委任為監管局成員，歷任監管局牌照及執業委員會主席、執業及考試委員會主席及監管局副主席。廖玉玲女士則自2008年11月起獲委任為監管局成員，歷任監管局紀律委員會主席、牌照委員會主席及第28條調查小組主席。

梁永祥先生表示：「我很榮幸獲委任為監管局新任主席，同時感謝陳韻雲女士過去六年對監管局的貢獻。在她領導下，監管局及地產代理業界皆有長足進步。」監管局行政總裁韓婉萍女士表示：「我們十分感謝陳韻雲主席過去六年的卓越領導。梁永祥先生加入監管局董事局多年，對監管局工作瞭如指掌。監管局行政部門期待與梁先生緊密合作，在他的英明領導下精益求精。」



EAA's New Chairman  
Mr William Leung Wing-cheung, BBS, JP  
監管局新任主席梁永祥先生，BBS，JP



EAA's New Vice-Chairman  
Ms Elaine Liu Yuk-ling, JP  
監管局新任副主席廖玉玲女士，JP

## The New Board of the Estate Agents Authority

The Chief Executive of Hong Kong Special Administrative Region has appointed the new Estate Agents Authority (EAA) Board Members for a period of two years with effect from 1 November 2014. Mr William Leung Wing-cheung, BBS, JP, is appointed to succeed Ms Vivien Chan, SBS, JP, as the Board Chairman and Ms Elaine Liu Yuk-ling, JP is appointed as the Vice-chairman.

Ms Vivien Chan was appointed by the Government as the EAA Chairman from November 2008 and completed her service on 31 October 2014. Mr William Leung Wing-cheung has been appointed as an EAA Board Member since November 2004. He has served as the Chairman of the former Licensing and Practice Committee, Chairman of the Practice and Examination Committee and the Vice-chairman of the EAA. Ms Elaine Liu Yuk-ling has been appointed as an EAA Board Member since November 2008, and has served as the Chairman of Disciplinary Committee, Chairman of Licensing Committee and Chairman of Section 28 Investigation Panel of the EAA respectively.

Mr William Leung Wing-cheung said, "I am honoured to be appointed as the EAA's new Chairman and I am thankful to Ms Vivien Chan's contributions to the EAA in the past six years. The EAA and the estate agency trade have progressed tremendously under her leadership." Ms Ruby Hon, Chief Executive Officer of the EAA, said, "We are most grateful to Chairman Ms Vivien Chan for her excellent leadership in the past six years. Mr William Leung Wing-cheung has been a member of the EAA Board for years and is well-versed with the EAA's work. The EAA Administration looks forward to working closely with Mr Leung and will strive for excellence under his able leadership."

新一屆監管局董事局成員如下：

The new EAA Board Members include:

主席：梁永祥先生, BBS, JP

副主席：廖玉玲女士, JP

普通成員：陳超國先生

鄒廣榮教授

張國鈞先生, JP

劉振江先生

劉哲寧先生

羅孔君女士

蕭澤宇先生, BBS, JP

謝順禮先生

徐若婷女士

汪敦敬先生

黃鳳嫻女士

黃光耀先生

吳麗莎女士

余惠偉先生, JP

余雅芳女士

運輸及房屋局常任秘書長  
(房屋)或其代表

Chairman:

Mr William Leung Wing-cheung, BBS, JP

Vice-Chairman:

Ms Elaine Liu Yuk-ling, JP

Ordinary Members:

Mr Charles Chan Chiu-kwok

Professor Chau Kwong-wing

Mr Horace Cheung Kwok-kwan, JP

Mr Lau Chun-kong

Mr Liu Che-ning

Miss Lo Jane Curzon

Mr Simon Siu Chak-yu, BBS, JP

Mr Calvin Tse Shun-lai

Ms Maggie Tsui Yeuk-ting

Mr Lawrance Wong Dun-king

Ms Gilly Wong Fung-han

Mr Ricky Wong Kwong-yiu

Miss Melissa Wu

Mr Yu Wai-wai, JP

Ms Avon Yue Nga-fong

Permanent Secretary for Transport and  
Housing (Housing) or his representative



## 與監管局上屆主席陳韻雲女士，SBS，JP 訪談

監管局上屆主席陳韻雲女士，SBS，JP 的任期已於2014年10月底屆滿。陳主席卸任前接受《專業天地》專訪，分享她對業界及監管局工作的看法，以及她過去六年來領導監管局的經驗。



監管局上屆主席  
陳韻雲女士  
Ms Vivien Chan,  
Immediate Past Chairman  
of the EAA

問：編者 答：陳韻雲女士

**問：當你於六年前出任監管局主席時，你對業界有甚麼期望？**

答：記得當時監管局規管地產代理的「硬件」已經完備，因此我期望可以建立一個「軟件」，啟發業界建立自律文化。因此，我提倡了「誠信公平可創富」的格言。

透過監管局持續性的教育和倡議工作，我很高興看到業界日益認同監管局的使命，表現也有顯著進步，更支持這句格言。現時，業界既可標榜他們在短時間內能促成多少宗交易，也可自豪於他們如何純熟地將監管局的指引結合到其管理制度之中。

**問：你認為監管局在這些年來達到哪些重要的成果？**

答：監管局繼續維持及優化恒常的措施及政策，以達到有效監管的目的。例如，我們繼續因應不斷變化的市況發出執業通告；實施及加強持續專業進修計劃以提升業界的專業水平。無論市況如何，我們的執法工作標準始終如一，並且貫徹公平公正的原則。

我們也努力推動新措施，例如在2013年推動業界及公眾在買賣二手住宅物業時使用實用面積，以提升

交易透明度；紀律處分新計劃也於2014年推行，以簡化紀律處分的程序。

上述提及的工作只是其中一些例子。事實上，監管局所有工作，對於它今日成為有效的規管者均十分重要。

**問：在任期間，你有否遇到任何挑戰和阻礙？可否分享一下一些難忘的經歷？**

答：由於牌照收入是我們主要的收入來源，因此維持財務狀況健康，確保有足夠的資料履行監管局的職責，是我任內的挑戰之一。

每當監管局推出新措施或政策時，都會面對障礙，例如在推動二手住宅物業使用實用面積時會遇到阻力；但憑着監管局員工的共同努力，所有障礙都能克服。

我其中一個難忘經驗，是去年參加一個業界活動時，有商會主席致開幕歡迎辭時套用了「誠信公平可創富」這句格言作為開場白，更詳細解說其商會如何堅守這句格言，並視之為他們的持續專業進修課程的基本理念。眼見業界漸漸接受這套價值觀，我實在深感自豪。

六年來，能夠與一班才華出眾、熱心公益的人共事，我感到十分榮幸。他們的智慧和眼界啟發了我，並且擴闊了我的視野。

**問：監管局做了那麼多工作，你認為業界在過去六年有何轉變？你對於監管局和業界有甚麼期望？**

答：業界不僅支持「誠信公平可創富」格言所蘊含的價值觀，也日益重視專業化的重要性。此外，業界也表現了很大的彈性，能夠適應新的監管指引及政府政策。

整體來說，我們可以見到業界在其市場架構、業內運作及管治各方面日趨成熟。毫無疑問，這個漸趨成熟的過程，實有賴監管局多年來的規管和領導。

這六年來，監管局在多方面屢創新猷、勇於嘗試。我期望監管局在未來的日子中，能繼續帶領業界奉行良好執業手法，保障消費者權益。



## An interview with Ms Vivien Chan, SBS, JP, Immediate Past Chairman of the EAA

The term of Ms Vivien Chan, SBS, JP, the immediate past Chairman of the EAA, has expired at the end of October 2014. Before her departure, the *Horizons* interviewed Ms Chan to learn more about her views towards the trade, the EAA's work, and her experiences in leading the EAA over the past six years.

Q: The editor

A: Ms Vivien Chan

**Q. When you took up the Chairmanship six years ago, what did you expect the trade to achieve?**

A. As the "hardware" of regulating the trade was already firmly in place, I wanted to build up the "software" to inspire an intangible self-disciplinary culture for the trade. Therefore, I propounded the maxim of "It pays to play fair and proper" upon taking over the chairmanship.

Through continuous educational and advocacy work by the EAA over the past years, I am glad to see that the trade now buys into the EAA's mission more than ever before and the trade has demonstrated noticeable improvement in embracing the maxim. Trade members and leaders are proud to get the EAA's guidelines incorporated into their management and practice as well as priding themselves as to how many deals they have closed.

**Q. What do you think are the major achievements of the EAA in these years?**

A. The EAA has continued to maintain and better its regular measures and policies to discharge its regulatory duties effectively. For example, we continued to issue practice circulars in light of changing market conditions; implemented and enhanced the CPD Scheme for a better trade. Regardless of the market conditions, we kept our enforcement work consistent and adhered to the principles of fairness and impartiality.

On venturing into new areas, for example, we promoted the use of saleable area for second-hand residential properties among the trade and the public in 2013 in a bid to raise transparency. A New Scheme for Disciplinary Cases was also adopted in 2014 to streamline our disciplinary measures.

The abovementioned work was only some of the examples. In fact, all the work done by the EAA was significant in making it an effective regulator today.

**Q. During your term, were there any challenges and obstacles? Would you share with us some of your unforgettable experiences?**

A. One of the challenges in my term was to maintain a healthy financial position to ensure adequate resources to discharge the EAA's regulatory duties, given licence fees are the major source of income.

Obstacles were encountered whenever new measures/policies were initiated. For example, the introduction of saleable area for second-hand residential properties met with resistance. But they were overcome due to concerted efforts by the EAA staff.

One of my unforgettable experiences was during my attendance at a trade event last year, when I heard the chairman of a trade association use "It pays to play fair and proper" as his opening maxim in his welcome speech. He also elaborated on how his association has adhered to and used this as a basis for their CPD courses. I was proud of the trade for taking on the benchmark value system which we have promoted over these years.

I am honored to work with talented people dedicated to public services. Their wisdom and insight has inspired me and widened my horizons.

**Q. Given the work the EAA has done, how has the trade evolved over the past six years? What are your expectations for the trade and the EAA?**

A. In addition to embracing the values embodied in "It pays to play fair and proper", the trade has increasingly valued the importance of professionalism. The trade has also demonstrated its flexibility in adopting the new guidelines and Government measures.

Overall, we see a trade which is maturing, both in terms of perspective of their own market geography and turf play, as well as their own governance. This maturing process has undoubtedly been aided by the EAA regulatory and vanguard role over the years.

The EAA has pioneered in many areas during these six years. I expect it will continue to be the vanguard of good practice by the trade and the guardian of consumer interest in the years to come.

## 監管局向地產代理商舖派發「消費者教育套裝」

為協助地產代理業界與客戶有更良好的溝通，監管局於八月向全港所有共六千多間地產代理商舖，派發一套「消費者教育套裝」，供業界於店內使用。

該套「消費者教育套裝」包括有關「簽訂地產代理協議」的宣傳海報及貼紙、一隻載有多段短片的光碟，包括有兩段有關物業的「土地查冊」及「許可用途」的消費者教育短片、兩段有關「實用面積」及「簽訂地產代理協議」的電視宣傳短片，以及兩段有關委託地產代理時需注意事項的短片。

監管局鼓勵業界於店內使用「消費者教育套裝」，以便向客戶傳達有用的置業資訊，並能讓消費者更明白其權利及責任。透過該套裝，更可減低從業員與客戶之間產生誤會的可能。

該套裝內的短片亦已上載至監管局網站(「消費者專區」>「短片」)及監管局於Youtube的頻道([www.youtube.com/user/theeaacc](http://www.youtube.com/user/theeaacc))供大眾瀏覽。



「消費者教育套裝」包括有關「簽訂地產代理協議」的宣傳海報及貼紙，以及載有多齣消費者教育短片的光碟一隻。

The “Consumer Education Package” includes poster and stickers on the importance of signing an estate agency agreement together with a disc with a number of consumer education videos.

## The EAA distributes a “Consumer Education Package” to estate agency shops in Hong Kong

With a view to facilitating the estate agency trade a better communication with their clients, the EAA distributed a “Consumer Education Package” to more than six thousand estate agency shops in Hong Kong in August for the trade’s use in their shops.

The “Consumer Education Package” includes a poster and stickers on the importance of signing an estate agency agreement, a disc containing the consumer education videos on “land search” and “permitted use” of properties, two APIs on “saleable area” and “signing estate agency agreements” and two short videos about the points to note when engaging estate agents in property transactions.

The EAA encourages the trade to use the Package at their shops as it can facilitate the trade to convey useful information about property transactions to their clients and enable consumers to better understand their rights and responsibilities. It can also minimise the possibility of any misunderstanding between practitioners and their clients.

The videos in the Package are also available at the EAA’s website for the public to view: “Consumer Corner” > “Videos” and also at the EAA’s Youtube channel: [www.youtube.com/user/theeaacc](http://www.youtube.com/user/theeaacc)

## 監管局舉行新聞發布會

監管局於2014年7月31日舉行新聞發布會，由上屆主席陳韻雲女士及行政總裁韓婉萍女士回顧監管局在2014年上半年的工作，及簡介下半年的工作重點。

陳韻雲女士指出，監管局在2014年1月1日推出的紀律處分新計劃進展順利，截至6月30日為止，共有46名地產代理選擇參與該新計劃，參與率高達84%。

另外，2014年上半年監管局共接獲五宗有關地產代理在推銷一手住宅物業時「代客墊支」的投訴，並通過巡查發現一宗相關違規個案，涉案的地產代理及其所屬公司均被紀律處分。監管局絕不會容忍地產代理「代客墊支」，並會繼續通過不同途徑提醒地產代理不可違規。

展望2014下半年，監管局會繼續監察地產代理的執業情況，並加強與地產代理管理層溝通，敦促他們妥善管理其前線地產代理。監管局亦會優化相關執業通告，為業界提供更詳細的指引。

## The EAA holds press conference

The EAA held a press conference on 31 July 2014, in which the immediate past Chairman, Ms Vivien Chan, and Chief Executive Officer, Ms Ruby Hon, reviewed the EAA's work in the first half of 2014 and introduced its initiatives for the second half.

Ms Vivien Chan pointed out that the New Scheme for Disciplinary Cases was implemented on 1 January 2014, and the implementation progress has been smooth. As of 30 June, a total of 46 estate agents participated in the Scheme, representing a high participation rate of 84%.

In the first half of 2014, the EAA received five complaints about estate agents allegedly making loans/advance payments to clients on the sale of first-hand properties. Another case was also found through an inspection. The estate agent concerned and the company he was employed by were disciplined. The EAA would not tolerate estate agents' making loans to clients and would continue to remind estate agents not to do so through different channels.

In the second half of 2014, the EAA will continue to monitor the practice of estate agents. The EAA will also closely communicate with the management of estate agency companies to urge them to properly supervise their frontline estate agents. In this connection, the EAA will optimise the related Practice Circular to provide more detailed guidance.



監管局上屆主席陳韻雲女士(左)和行政總裁韓婉萍女士於新聞發布會上回顧局方在2014年上半年的工作，並簡介下半年的工作重點。

At the press conference, EAA's immediate past Chairman Ms Vivien Chan (left) and Chief Executive Officer Ms Ruby Hon review the EAA's work in the first half of 2014 and introduce its initiatives for the second half.

## 有關從價印花稅的調整及「綜合註冊資訊系統」網上服務流動版的兩份新執業通告

監管局於2014年10月7日發出兩份新執業通告，分別就從價印花稅的調整及土地註冊處推出的「綜合註冊資訊系統」網上服務流動版，向持牌人提供執業指引。兩份執業通告均已於同日生效，持牌人應多加留意，遵守相關的規定及盡責地提醒客戶。

隨着《2014年印花稅(修訂)(第2號)條例》於今年較早前刊憲，規定在2013年2月23日或之後取得的住宅和非住宅物業，除非獲豁免或另有規定外，須以較高的稅率繳付從價印花稅，因此監管局發出相關的新執業通告(編號14-03(CR))，提醒持牌人在處理物業買賣時，須留意相關的修訂條例並適當地提醒客戶。

另一份新執業通告(編號14-04(CR))則提醒持牌人，在使用「綜合註冊資訊系統」網上服務流動版進行土地查冊時，須遵守所有有關的法例規定及監管局發出的指引，例如應以接收電子郵件方式收取土地查冊並把土地查冊存檔(及備份)。

兩份新執業通告已上載至監管局網站：規管>執業通告，持牌人應詳細閱讀該通告的內容。另外，持牌人亦可參閱稅務局及土地註冊處的網站，進一步了解有關從價印花稅及網上服務流動版的詳情。

## New Practice Circulars on the Adjustments to Ad Valorem Stamp Duty and the mobile version of Integrated Registration Information System Online Services

The EAA issued two new Practice Circulars on 7 October 2014, providing guidelines for licensees in relation to the adjustments to ad valorem stamp duty ("AVD") and the mobile version of the Integrated Registration Information System ("IRIS") Online Services launched by the Land Registry. Both Circulars came into effect on the same day. Licensees should pay attention to the Circulars so that they can comply with the relevant requirements and advise their clients responsibly.

As the Stamp Duty (Amendment) (No. 2) Ordinance 2014 stipulating, unless specifically exempted or otherwise, payment of AVD at higher rates on both residential and non-residential properties acquired on or after 23 February 2013 was gazetted earlier this year, the EAA therefore issued a relevant new Practice Circular (no. 14-03 (CR)) to remind licensees that they should take note of the changes brought by the revised Ordinance and advise their clients appropriately when handling the sale and purchase of properties.

The other new Practice Circular (no. 14-04 (CR)) reminds licensees to comply with all the relevant statutory requirements and guidelines issued by the EAA if they choose to use the mobile version of IRIS Online Services to conduct land searches. For example, licensees are advised to receive the search results by email and archive the land searches (with backup).

The above two new Practice Circulars are available at the EAA's website: Compliance > Practice circulars. Licensees are advised to read the Circulars in detail. For further information of the AVD and the mobile version of IRIS Online Services, licensees may also visit the websites of the Inland Revenue Department and the Land Registry respectively.



## 鼓勵業界舉辦持續專業進修活動的新措施

監管局一直致力提升業界的專業水平，並於2005年以自願參與形式推行持續專業進修計劃。為了進一步優化該計劃，監管局推出新措施，藉以鼓勵業界舉辦更多持續專業進修活動。

在新措施下，由業界所舉辦的活動，毋須再經過一系列高成本和繁複的評核程序，才獲被承認為持續專業進修計劃下的認可活動。

新措施已在本持續專業進修年度正式實行，即由2014年10月1日起，監管局會接受來自業界、擁有超過五年舉辦持續專業進修活動經驗的合資格機構，為其舉辦的講座向監管局專業發展委員會直接提交認可申請。成功批核的活動便可獲認可為持續專業進修計劃下的認可活動。

修訂有關程序的目的是透過降低評核成本，鼓勵那些在舉辦培訓活動方面已有成熟及實際經驗的地產代理公司，為其員工／成員舉辦更多講座，從而為從業員提供更多選擇及更大靈活性，以鼓勵他們多參與持續專業進修活動，掌握更多技能和知識，好好裝備自己。

## New measure to encourage the trade to organise CPD activities

The EAA is committed to enhancing the professional standards of the trade. To this end, the voluntary CPD Scheme was launched in 2005. To further optimise the Scheme, the EAA has launched a new measure to encourage the trade to organise more CPD activities.

Under the new measure, activities organised by the trade no longer need to go through a number of costly and complex assessment procedures in order to be recognised as CPD activities.

The new measure has already taken effect in this CPD period. From 1 October 2014 onwards, the EAA allows qualified activity providers from the trade which have over five years' experience in conducting recognised activities under the CPD Scheme to submit directly their applications to the EAA Professional Development Committee. Approved seminars will be endorsed as recognised activities under the CPD Scheme.

The amendment to the related procedures aims to introduce a less costly assessment procedure to encourage those estate agency firms which have solid and proven experience in organising training activities to organise more seminars for their employees/members. It would thus allow more choice and greater flexibility for the practitioners, so as to encourage them to attend more CPD activities and better equip themselves with more skills and knowledge.



## 紀律研訊個案：向一手住宅準買家提供貸款

就着持牌人推銷一手住宅物業的執業手法及操守的問題，監管局已發出執業通告(編號13-04(CR))，為業界提供詳細指引。持牌人必須留意並遵守相關指引，否則可能會被監管局紀律處分。

一名營業員在推銷一手住宅樓盤時，在商場內主動向兩名準買家招攬生意，邀請兩人前往參觀該新樓盤的示範單位，並游說他們入票登記抽籤認購該新樓盤的單位。儘管準買家即場表示沒有足夠資金，但該名營業員卻聲稱她所屬的地產代理公司可向準買家提供貸款並代他們入票，以參與抽籤認購該樓盤的單位。

監管局紀律委員會就該個案進行紀律研訊。委員會認為該營業員違反了執業通告中的指引，包括：在未獲得有關商場或屋苑管理處准許的情況下，不可以在商場或屋苑或入口處招攬生意或派發單張；不得向準買家提供或提出提供貸款，即使該準買家表示沒有足夠金錢作即場交付訂金，不論是否用

以游說準買家簽訂臨時合約或作任何其他用途，即使該準買家向他們提出有關要求。

因此，該營業員沒有遵守《操守守則》第3.2.1段：「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、《操守守則》，以及由監管局不時發布的所有其他指引」。該營業員因而被譴責、罰款合共港幣7,000元及在牌照上附加條件，並必須在12個月內取得持續專業進修計劃下核心科目的12個學分。

至於僱用該名營業員的地產代理公司，紀律委員會認為該公司沒有妥善監督前線員工，違反了《地產代理常規(一般責任及香港住宅物業)規例》第15條的規定，即未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，以確保其僱員或其轄下的人遵守《地產代理條例》的條文。該公司因而被監管局譴責及罰款港幣60,000元。

## Disciplinary hearing case: Offering loans to prospective purchasers of a first-hand residential development

The EAA has issued a Practice Circular (No.13-04(CR)) setting out detailed guidelines on licensees' practices and conduct in promoting first sale of residential properties. Licensees must observe and comply with such guidelines. Failure to do so will be subject to disciplinary action by the EAA.

When promoting a first-hand residential development, a salesperson actively solicited business at a shopping mall and invited two prospective purchasers to inspect the show flat. She also persuaded the prospective purchasers to submit a cashier's order to join the lot drawing for purchasing a property of the development. Although the prospective purchasers told her that they did not have sufficient money for the payment on the spot, she responded that the estate agency company which employed her could offer a loan to them and issued a cashier's order for them to join the lot drawing for purchasing the property.

The EAA Disciplinary Committee conducted an inquiry hearing into the case. The Committee was of the view that the salesperson was in breach of the relevant Practice Circular. Firstly, the Practice Circular stipulates that licensees must not solicit business at shopping malls or housing estates without the requisite permission. Moreover, licensees must not offer or make loans to a prospective purchaser, even if the prospective purchaser states that he does not have sufficient money for the payment of the

deposit on the spot, whether in order to persuade a prospective purchaser to sign a preliminary agreement for sale and purchase or for any other purpose, and even if a prospective purchaser requests licensees to do so.

Therefore, the salesperson failed to comply with paragraph 3.2.1 of the *Code of Ethics*: "estate agents and salespersons should be fully conversant with the Estate Agents Ordinance, its subsidiary legislation, *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". The salesperson was reprimanded and fined a total amount of HK\$7,000. A condition was also attached to her licence, requiring her to obtain 12 points in the core subjects of the CPD Scheme in 12 months.

As to the estate agency company employing the salesperson, the Disciplinary Committee was of the view that it did not supervise its frontline employees properly, thus in breach of section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, which states that a licensed estate agent shall establish proper procedures or systems to supervise and manage his business of doing estate agency work to ensure that his employees or persons under his control comply with the provisions of the Estate Agents Ordinance. The concerned estate agency company was reprimanded and fined HK\$60,000.

## 紀律研訊個案：沒有告知買方物業涉及無償轉讓契及相關風險

購買涉及送讓契／無償轉讓契的物業可能涉及風險，例如難以向銀行申請足夠按揭貸款。因此持牌人在處理有關的物業交易時，應提醒買方物業涉及送讓契／無償轉讓契，並提醒買方應徵詢法律意見，否則有可能被紀律處分。

一名持牌人在一宗住宅物業交易中擔任雙邊代理。他曾就物業進行土地查冊，紀錄顯示該物業涉及無償轉讓契。然而，他沒有就此事告知買方，亦沒有建議買方徵詢法律意見，隨後更安排買賣雙方簽訂臨時買賣合約。

其後，買方透過律師知悉該物業可能涉及無償轉讓契，購入該物業可能會承擔風險，此外，該持牌人在緊接簽訂臨約前，並沒有向他提供該物業的土地查冊文本。買方遂向監管局投訴。

監管局紀律委員會就該個案進行紀律研訊。委員會認為該持牌人沒有遵守監管局發出的《操守守則》第3.4.1段，即持牌人應保障和促進客戶的利益、按照地產代理協議執行客戶的指示，並對交易各方公平公正。

此外，該持牌人因沒有在緊接買賣雙方簽訂臨約前向買方提供土地查冊結果文本，亦違反了《地產代理常規（一般責任及香港住宅物業）規例》第13(4)條。委員會決定譴責該持牌人，罰款合共港幣\$4,000，並在其牌照上附加條件，要求他在12個月內取得持續專業進修計劃之下的核心科目12個學分。

## Disciplinary Hearing Case: Failure to inform purchasers that the property involved assignment at nil consideration and related risks

Buying properties involving a deed of gift/assignment at nil consideration may involve risks, such as difficulties in obtaining sufficient mortgage loan from the bank. Therefore, licensees handling related property transactions should inform purchasers that the property involves a deed of gift/assignment at nil consideration and advise them to seek legal advice. Otherwise, licensees may be subject to disciplinary action by the EAA.

A licensee acted as a dual agent in a residential property transaction. He conducted a land search in respect of the property and the result showed that the property involved an assignment at nil consideration. However, he did not inform the purchaser of the relevant fact, nor did he advise the purchaser to seek legal advice. He then arranged for the vendor and the purchaser to sign the provisional agreement for sale and purchase (PASP).

The purchaser later learned through his lawyer that the property might involve an assignment at nil consideration and the risks involved in buying the property. He also found that the licensee did not

provide him with a copy of the property's land search result. Hence, he lodged a complaint with the EAA.

The EAA Disciplinary Committee conducted an inquiry hearing into the case. The Committee was of the view that the licensee failed to comply with paragraph 3.4.1 of the *Code of Ethics* which states that licensees should protect and promote the interests of their clients, carry out the instructions of their clients in accordance with the estate agency agreement and act in an impartial and just manner to all parties involved in the transaction.

Moreover, as the licensee did not provide a copy of the land search result to the purchaser immediately prior to signing the PASP, he also breached section 13(4) under the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation. The Committee decided to reprimand the licensee, fined him HK\$4,000 in total, and also attached a condition to his licence, requiring him to acquire 12 points in core subjects under the CPD Scheme within 12 months.

在《專業天地》內，我們會解答與持牌人執業息息相關的一些常見提問。

**In *Horizons*, we will answer selected enquiries commonly raised by licensees concerning estate agency practice.**

**問：**地產代理於一些社交網站上發放樓盤資訊，是否屬於網上廣告？是否需要列出營業詳情說明書號碼？

**答：**持牌人發布的物業廣告必須符合《地產代理條例》、《地產代理(發牌)規例》及《地產代理常規(一般責任及香港住宅物業)規例》的有關規定，其中包括必須在所有廣告內清楚而顯眼地述明地產代理的牌照號碼或營業詳情說明書的號碼及營業名稱。視乎個別情況，在社交網站上發布的樓盤資訊也可能被視為廣告，而網上的廣告亦須要遵守上述的要求。

**Q: Is dissemination of property development information on some social networking websites regarded as an online advertisement? Is it necessary to state the number of Statement of Particulars of Business in those advertisements?**

**A:** When issuing advertisements, licensees must comply with the relevant requirements in the Estate Agents Ordinance, Estate Agents (Licensing) Regulation and the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation. One of the requirements is to state clearly and conspicuously the number of the estate agent's licence or Statement of Particulars of Business and the business name in the advertisements. Depending on the circumstances of the case, the dissemination of property development information on social networking websites may also be regarded as an advertisement, and if so, the abovementioned requirement must also be complied with.

**問：**如廣告內提供住宅物業的實用面積，是否要清楚列明所提供的面積資料是物業的「實用面積」？

**答：**根據監管局發出相關的執業通告(編號 12-02(CR))，如廣告內載有物業的樓面面積資料，而該物業的實用面積是可從差餉物業估價署或在土地註冊處註冊的首次轉讓的買賣協議中取得的，則持牌人必須在廣告內提供該物業的實用面積，以及在廣告內清楚述明所提供的樓面面積是該物業的實用面積，以避免任何誤會。

**Q: Do I need to clearly state that it is "saleable area" in the advertisement when I provide the saleable area of a residential property in the advertisement?**

**A:** According to the relevant Practice Circular (no 12-02 (CR)), if the floor area information of a property is included in an advertisement and the saleable area of the property can be obtained from either the Rating and Valuation Department or the agreement for sale and purchase of the first assignment of the property registered in the Land Registry, then licensees are required to provide the saleable area of the property in the advertisement. Licensees must also clearly state in the advertisement that the floor area provided is the saleable area of the property in order to avoid any misunderstanding.



## 持續專業進修講座一 「了解顧客消費行為・掌握服務營銷策略」

消費者對地產代理服務質素的期望日益提高，地產代理應提供優質的顧客服務，及制定合適的服務營銷策略。為了協助業界對題目有更深入了解，監管局於2014年9月24日舉辦了相關的講座。

是次講座由市場學的傑出學者、香港中文大學副校長及卓敏市場學講座教授許敬文教授主講。在講座中，許教授指出，由於地產代理所提供的服務並非有形商品，服務水平取決於顧客的主觀評價。因此，地產代理應先從銷售對象的角度出發，深入了解顧客的要求和期望，以制訂切合客戶需要的合宜的營銷策略。

另外，許教授又提到，在很多情況下會相對於服務結果，服務的過程更能影響消費者對服務水平的評價。因此，地產代理在提供服務過程中，應致力維持良好的服務態度，顯示自己的專業能力，從而贏取客戶的信任，建立專業的形象。



許敬文教授向地產代理講解專業服務對地產代理的重要性。  
Professor Michael K.M. Hui explains the importance of professional services to estate agents.

## CPD Seminar – Understanding consumer behaviour and developing services marketing strategy

In light of rising consumers' expectations on the quality of services provided by estate agents, estate agents should achieve quality customer services and formulate appropriate services marketing strategies. In order to facilitate estate agents to gain a better understanding of the subject, the EAA organised a related seminar on 24 September 2014.

Professor Michael K.M. Hui, a distinguished academic in marketing and the Pro-Vice-Chancellor and Choh-Ming Li Professor of Marketing of The Chinese University of Hong Kong, was invited to speak at the seminar. At the seminar, Professor Hui pointed out that as the services provided by estate agents were not tangible goods, consumers' subjective evaluation

was an important factor in determining the standard of services. Hence, estate agents should, from the consumers' perspective, understand thoroughly the consumers' needs and expectations so as to develop appropriate marketing strategies that meet their clients' needs.

Moreover, Professor Hui pointed out that under many situations, the process of providing services was more important than the outcome of services and had a stronger effect on the consumers' overall evaluation of the service standard. Therefore, in the process of providing service, estate agents should demonstrate their capabilities and good attitudes to obtain clients' trust and build up a professional image.

## 持續專業進修講座－「城市規劃與土地發展」

為了促進地產代理對於城市規劃及土地發展的認識，從而掌握不同地區的物業的發展潛力，監管局於2014年8月12日舉辦了相關講座。

是次講座由香港理工大學建築及房地產學系許智文教授主講，他向從業員闡述城市規劃委員會（城規會）在《城市規劃條例》下的職能、製訂圖則、規劃系統、香港政府的房屋土地供應策略、近期土地供應措施，以及城規會審批申請更改土地用途的程序等事宜。

席間，許教授講解了城規會製訂圖則的步驟及城規會近年的工作重點，如檢討「分區計劃大綱圖」以加入建築物高度及／或地積比率限制、鄉郊規劃、啟德發展及港島東海旁研究等計劃，並剖析近期土地供應的措施所面對的機遇和挑戰。此外，許教授以沙田分區計劃大綱圖為案例，闡述過往土地用途的決策對地區現況的影響。



許智文教授向從業員講解有關城市規劃及土地發展的概念和政策。  
Professor Eddie Hui briefs practitioners on the concepts and policies of town planning.

## CPD Seminar – Town Planning and Land Development

In order to enhance estate agents' knowledge in town planning and land development so as to better understand the developmental potential of properties in different districts, the EAA organised a seminar on the subject on 12 August 2014.

The speaker of the seminar, Professor Eddie Hui of the Department of Building and Real Estate of The Hong Kong Polytechnic University, introduced the roles and responsibilities of the Town Planning Board (TPB) under the Town Planning Ordinance, the making of statutory plans, planning structure, the Government's strategies of housing land supply, recent land supply measures, and procedures of application for amendment of plan to the attending practitioners.

During the seminar, Professor Hui explained the steps the TPB took in the making of statutory plans and also highlighted some recent works of the TPB, for example, reviewing of Outline Zoning Plans (OZPs) to incorporate building height and/or plot ratio restrictions, rural planning, Kai Tak Development and Hong Kong Island East Harbor-front study. He also explored with licensees the opportunities and challenges of some recent land supply measures. In addition, Professor Hui explained the land use decisions in the past which still affect the permission of land use today by quoting the Shatin OZP as an example.

## 監管局舉辦慈善跑為匡智會籌款

監管局於2014年8月23日為匡智會舉辦了「沙田城門河慈善跑」。是次三公里慈善跑沿城門河畔緩跑徑舉行，為匡智松嶺學前兒童中心籌款，共有77人積極參與是項別具意義的活動，當中包括監管局員工及親友，亦有警察義工支持及協助。

監管局一向熱心履行企業社會責任，多年來積極參與不同慈善團體舉辦的活動。為進一步向同事宣揚『關懷社會』的精神，監管局舉辦是次慈善跑，為匡智松嶺學前兒童中心共籌得港幣128,000元，幫助學前兒童中心添置一些新器材，輔助他們活動及鍛鍊體魄之用。

匡智松嶺學前兒童中心位於大埔松嶺村，為全港第一所提供住宿及教育服務的特殊幼兒中心。中心為初生至六歲的孤兒或因特殊家庭情況而需寄宿的智障兒童提供服務，亦為有需要特別照顧的嬰兒及兒童提供早期教育及訓練，以協助他們發展和成長。

監管局向參加慈善跑的員工送上參與獎狀以示謝意。展望未來，監管局會繼續鼓勵員工積極參與社區活動，貢獻社會。



監管局舉辦了「沙田城門河慈善跑」，為匡智松嶺學前兒童中心籌得善款港幣128,000元。監管局員工的子女為該中心的小朋友送上捐款支票。

The EAA organises the “Shatin Shing Mun River Charity Run” and raises a donation of HK\$128,000 for the Hong Chi Pinehill Pre-school Centre. Children of the EAA’s staff present the donation cheque to the children of the Centre.



## EAA organised a charity run to raise funds for Hong Chi Association

The EAA organised the “Shatin Shing Mun River Charity Run” for the Hong Chi Association on 23 August 2014. The 3-km Charity Run, which aims to raise funds for children with intellectual disabilities of the Hong Chi Pinehill Pre-school Centre, was held along the jogging track of Shing Mun River. A total of 77 people including EAA staff and their families and friends participated with full spirit and enthusiasm in the event, with the support and assistance of volunteers from the Police.

The EAA has been continuously committed to fulfilling corporate social responsibility (“CSR”) through participating in various activities organised by different charitable organisations. In order to further spread the spirit of “caring for society” among staff, the EAA organised the Charity Run and raised \$128,000 for the Hong Chi Pinehill Pre-school Centre to assist them in purchasing some new equipment facilitating the movement and fitness training of the children.

The Hong Chi Pinehill Pre-school Centre is located at Pinehill Village in Tai Po. It is the first of its kind in Hong Kong providing residential care and education for children with special needs up to six years of age. Most of the children are orphans, some from families which cannot take care of them due to special circumstances. The Centre also offers early education and training for infants and children that need special care to help them develop and grow.

Each of the EAA runners was awarded a Certificate of Participation as a token of appreciation. In the years to come, the EAA will continue to encourage staff members to take part in community projects actively and contribute to society.



監管局的員工沿城門河畔緩跑徑進行慈善跑。

EAA staff participate in the Charity Run along the jogging track of Shing Mun River.



監管局向參加慈善跑的員工送上參與獎狀以示謝意。

Each of the EAA runners was awarded a Certificate of Participation as a token of appreciation.





**2014年7月16日**

監管局接待由法律教育基金有限公司組織的內地與香港法律學生交流團，向學生介紹監管局的規管工作。

**16 July 2014**

The EAA receives a delegation of the Mainland and Hong Kong law student exchange organised by the Legal Education Fund Limited and introduces to them the EAA's regulatory work.



**2014年8月19日**

監管局參與由僱員再培訓局服務中心(九龍西)舉辦的社區職業講座，向參與人士講解地產代理的發牌條件。

**19 August 2014**

The EAA participates in the career talk organised by the Employees Retraining Board Service Centre (Kowloon West) to explain the licensing requirements to participants.



**2014年9月16日**

監管局舉辦第14次從業員「聚焦小組」會議，與持牌人就執業的情況交流意見。

**16 September 2014**

The EAA organises the fourteenth focus group meeting with licensees and exchanges views with them on their practice.



**2014年9月24-25日**

監管局參與於奧海城舉行的求職進修展，藉此加深公眾對監管局工作的了解。

**24-25 September 2014**

The EAA participates in the recruitment fair held at the Olympian City to enhance the public understanding of the EAA's work.

## 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
地產代理資格考試 Estate Agents Qualifying Examination 16/9/2014	1,111	33.7%
營業員資格考試 Salespersons Qualifying Examination 21/8/2014	901	58.0%

## 牌照數目 (截至 2014 年 9 月 30 日)

### Number of licences (as at 30/9/2014)

營業員牌照 Salesperson's Licence:	18,897
地產代理 (個人) 牌照 Estate Agent's Licence (Individual):	16,676
個人牌照總和 <b>Total no. of individual licences:</b>	<b>35,573</b>
地產代理 (公司) 牌照 Estate Agent's Licence (Company):	3,147

## 營業詳情說明書 (截至 2014 年 9 月 30 日)

### Number of statements of particulars of business (as at 30/9/2014)

合夥經營 Partnerships:	248
獨資經營 Sole proprietorships:	1,610
有限公司 Limited companies:	4,428
總數 <b>Total:</b>	<b>6,286</b>

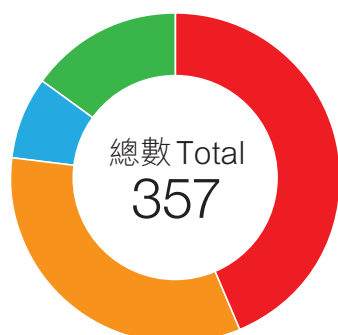
## 接獲的投訴 (2014 年 1 月至 9 月) :

### Number of complaint cases received (January to September 2014)

315

## 已處理的投訴個案結果\* (2014年1月至9月)

### Results of completed complaint cases\* (January to September 2014)



● 指稱成立 Substantiated:	156
● 指稱不成立 Unsubstantiated:	119
● 資料不足 Insufficient information to pursue:	29
● 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)	53

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

## 巡查次數 (2014年1月至9月)

### Number of compliance inspections (January to September 2014)

● 一手樓盤銷售處 First-sale sites:	889
● 代理商舖 Estate agency shops:	1,181
● 網上物業廣告 Online property advertisements:	457

## 巡查發現主動調查的個案 (2014年1月至9月)

### Number of cases arising from self-initiated investigations during inspections (January to September 2014)

● 主動調查的個案:	
Cases arising from self-initiated investigations:	57
● 主動調查而指稱成立的個案* :	
Cases completed from self-initiated investigations and were substantiated*:	29

\* 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 (2014年1月至9月)\*

### Actions taken against licensees or ex-licensees (January to September 2014)\*

有關的持牌人或前持牌人人數 No of licensees or ex-licensees		384
行動 Actions taken	訓誡／譴責 Admonishment/reprimand	224
	罰款 Fine	150
	於牌照附加／更改條件 Attachment/alteration of conditions to licence	216
	暫時吊銷牌照 Suspension	11
	撤銷牌照 Revocation	38 <sup>#</sup>

\* 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 EAO. Some actions may be disciplinary in nature and others not, and they include the attachment of conditions to licences whether upon issuance or otherwise.

<sup>#</sup> 這些個案由牌照委員會裁定。理由是持牌人不符合適當人選要求，因而不適合繼續持有牌照。

<sup>#</sup> These cases were decided by the Licensing Committee on the ground that the licensees concerned were considered not fit and proper to continue to hold a licence.