



小心處理業權欠妥善的物業交易 BE CAREFUL IN HANDLING TRANSACTIONS OF PROPERTIES WITH DEFECTIVE TITLES

The EAA has noticed from some media reports that while the property market has been dominated by first-hand residential properties recently, some consumers are attracted by certain “special properties” whose prices are substantially lower than the market price. Apart from “haunted flats”, such “special properties” might involve defective titles and therefore licensees should pay extra attention when promoting such properties to their clients and advise them appropriately to protect their interests.

監管局留意到某些媒體報道，雖然現時物業市場以一手樓盤主導，也有部份消費者被一些大幅低於市價的「另類物業」所吸引。除「凶宅」外，這些「另類物業」還包括一些業權欠妥的物業。因此，持牌人向客戶介紹這類物業時要特別留意，及向客戶提供適當意見，以保障他們的利益。

透過為物業進行過往及現時的土地查冊，或可得悉該物業是否註有遺失契據聲明書、送讓契或無償轉讓契。在處理這些物業交易時，持牌人應如實告知客戶購買該等物業的風險，包括買方可能無法取得足夠的按揭貸款以完成購買該物業及/或在轉售該物業時無法證明其良好業權。同時，持牌人也應建議客戶在簽訂任何買賣協議前，先徵詢法律意見，以了解清楚購買/出售該物業所涉及的風險。

根據監管局發出的《操守守則》第3.4.1段，持牌人必須保障和促進客戶的利益。因此，持牌人在處理此類物業的買賣時，務必提高警覺及謹記以上要點。

A historical and current land search of the property may reveal that there are registrations of declaration of loss of title deeds, deed of gift or assignment at nil consideration. When handling transactions of such properties, licensees should inform the potential purchaser that there is a risk that the purchaser may not be able to obtain a sufficient mortgage loan to complete the purchase of the property and/or to prove good title in the resale of the property. Licensees should also advise their clients to seek legal advice on the risk of selling/purchasing the property before they enter into any agreement for sale and purchase of the property.

Licensees are reminded that under paragraph 3.4.1 of the *Code of Ethics* issued by the EAA, they should protect and promote the interests of their clients. Hence, licensees should be alerted to and bear in mind the above when handling the sale and purchase of these properties.

有關「持牌地產代理有效地控制其地產代理業務的責任」的新執業通告

NEW PRACTICE CIRCULAR ON “DUTIES OF LICENSED ESTATE AGENTS IN ENSURING EFFECTIVE CONTROL OF ESTATE AGENCY BUSINESS”

監管局於2015年3月26日發出名為「持牌地產代理有效地控制其地產代理業務的責任」的新執業通告(編號15-01 (CR))，就如何遵守《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，提供更詳細及具體的指引讓業界依循。

根據該通告，所有持牌地產代理，包括地產代理公司的僱主、董事、經理或高層管理人員，應設立妥善的程序和清晰的指引讓員工遵循，提供妥善和足夠的培訓，持續及有效地監察其員工的行為，並制定制裁措施以懲處違規的員工，以預防及制止違規或不當行為的發生。

新通告將於2015年9月1日生效。所有地產代理公司應在這數月內檢視、更新或建立相關業務系統，以符合新通告內的要求。監管局已把相關的「問與答」及「持牌地產代理的清單」上載於監管局網頁 www.eaa.org.hk，供業界參考。

在新執業通告生效前，監管局已舉辦及將會再舉辦相關的持續專業進修講座，歡迎業界密切留意及踴躍參加。

The EAA issued a new Practice Circular (No.15-01 (CR)) on “Duties of Licensed Estate Agents in Ensuring Effective Control of Estate Agency Business” on 26 March 2015 to provide more detailed and substantial guidelines for the trade to follow in compliance with section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation.

According to the Circular, all licensed estate agents, including owners, directors, managers or supervisors of an estate agency company, should establish proper procedures and clear guidelines for staff to follow, provide sufficient and proper training to staff, monitor staff conduct continuously and effectively and set up sanctioning measures to sanction non-compliant staff to prevent and deter non-compliance or misconduct.

The new Circular will come into effect on 1 September 2015. All estate agency companies should review, update or set up their system of business in the next few months in order to comply with the requirements. The EAA has uploaded a set of relevant “Questions and Answers” and “Checklist for Licensed Estate Agents” on the EAA’s website: www.eaa.org.hk for the trade’s reference.

The EAA has held a series of related CPD seminars and will hold a few more related seminars before the new Circular comes into effect. Practitioners are encouraged to stay tuned and attend the seminars.



有關物業按揭貸款的審慎措施

PRUDENTIAL MEASURES ON PROPERTY MORTGAGE LOANS

香港金融管理局及香港按揭證券有限公司於2015年2月27日推出的新一輪有關物業按揭措施經已生效。為提醒持牌人充分了解新措施內容，以便向客戶作出適當建議，監管局於2015年3月6日發出一封「致持牌人函件」，並已電郵給所有持牌人。持牌人可於監管局網頁(持牌人>致持牌人函件)閱讀該函件。

The Hong Kong Monetary Authority and the Hong Kong Mortgage Corporation Limited introduced new measures on property mortgage loans on 27 February 2015 and the measures have taken effect already. To remind licensees that they should be fully conversant with the new measures, so as to be able to advise their clients appropriately, the EAA has issued a "Letter to Licensees" and emailed to all licensees on 6 March 2015. Licensees are encouraged to read the Letter which is also available at the EAA's website (Licensees > Letter to Licensees).

關於業主繳納差餉及/或地租須注意的事項

ADVICE TO PROPERTY OWNERS ON RATES AND/OR GOVERNMENT RENT LIABILITY

差餉物業估價署(「估價署」)發出了一篇文章，提醒各持牌人在協助買賣雙方促成物業交易時，應提醒業主如期繳交差餉及/或地租的責任，以保障買方的利益。為鼓勵持牌人參閱估價署的文章，有關文章已於2015年5月21日上載至監管局網頁(持牌人>其他有用資訊)。

The Rating and Valuation Department ("RVD") has issued an article to remind all licensees to raise property owners' awareness of their responsibility of making timely payment of rates and/or Government rent and to protect the purchasers' interest when assisting the vendor and purchaser in completing a property transaction. To encourage licensees to read the article, the RVD's article has been posted on the EAA's website on 21 May 2015 (Licensees > Other Useful Information).



監管局推出新消費者教育短片及宣傳活動 THE EAA LAUNCHES NEW CONSUMER EDUCATION VIDEOS AND PUBLICITY CAMPAIGN



In order to protect the rights of consumers and promote related information in property transactions to the public, the EAA launched two new consumer education videos namely “Appoint licensed estate agent to avoid disputes” and “Fill in all the blanks in the provisional agreement for sale and purchase before signing to avoid loss” in March 2015.

為保障消費者權益及向公眾推廣置業的相關資訊，監管局於2015年3月推出兩段新消費者教育短片，分別為：「為免買賣有爭拗、持牌代理更可靠」及「臨約簽前填清楚、漏空必定損失多」。

短片透過生動有趣的故事形式，提醒消費者在進行物業交易時，切勿委託無牌地產代理，及切勿在漏空重要條款的臨時買賣合約上簽署。

為加深公眾的認識，短片除已上載於監管局網頁外，也於2015年3月在城巴及新巴內的電視上，及巡迴展覽中播放。此外，巴士車身上也張貼了相關廣告。

如欲重溫兩段短片，可瀏覽監管局網頁（「消費者專區」>「短片」）及Youtube頻道：<http://youtube.com/theeaacc>。



Through an interesting way of storytelling, the two new videos remind consumers not to appoint unlicensed estate agents and

not to sign the provisional agreement for sale and purchase with important terms left blank during property transactions.

In order to raise public awareness, the videos were not only uploaded onto the EAA's website, but also broadcasted on the bus fleets of Citybus and New World First Bus, and showcased at roving exhibitions in March 2015. In addition, advertisement banners were also placed on the bus bodies.

The two videos are available at the EAA's website (“Consumer Corner” > “Videos”) and on Youtube: <http://youtube.com/theeaacc>.

持續專業進修計劃的新鼓勵措施 NEW INCENTIVES OF THE CONTINUING PROFESSIONAL DEVELOPMENT (“CPD”) SCHEME

為鼓勵業界參與持續專業進修計劃，監管局早前推出一系列新措施，提供更多選擇及更大彈性，讓持牌人得以透過終身學習來提升專業水平。

To encourage licensees' participation in the CPD Scheme, the EAA introduced a new series of incentives which allow more choices and greater flexibility for licensees to raise their professional standards through life-long learning.



在新鼓勵措施下，凡於2014年10月1日至2015年9月30日的持續專業進修時段期間參加監管局的網上學習活動課程並成功取得每3個核心學分的從業員，即可額外獲取1個核心學分。此外，為鼓勵從業員更積極參與不同的網上進修活動，從2014年10月1日開始直至另行檢視，在計算每一持續專業進修時段所得的學分時，凡透過網上遙距學習活動所得的學分，將不再設有學分上限。

有關更多網上課程的詳情，可瀏覽監管局網頁www.eaa.org.hk（持續專業進修計劃>即將舉行的持續專業進修計劃活動>網上學習活動）。

Under the new incentive measures, within the CPD period commencing 1 October 2014 and ending 30 September 2015, one bonus core CPD point will be awarded to practitioners who have successfully accumulated every three core CPD points from their participation in the EAA's e-Learning programmes. Moreover, to encourage practitioners to participate in various web-based learning activities, starting from 1 October 2014, the number

of CPD points earned by taking web-based distance learning activities is no longer capped when calculating the CPD attainment for each CPD period until further review.

For more details about the e-Learning programmes, please visit the EAA's website: www.eaa.org.hk (CPD Scheme > Upcoming CPD Activities > e-Learning programmes).