

監管局舉行新聞發布會回顧上半年工作

THE EAA HOLDS A PRESS CONFERENCE FOR ITS HALF-YEAR REVIEW



監管局於2015年7月28日舉行新聞發布會，由主席梁永祥先生，BBS，JP及行政總裁韓婉萍女士回顧監管局在2015年上半年的工作，及簡介下半年的工作重點。

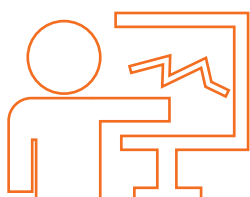
梁主席指出，監管局於2015年上半年接獲的整體投訴個案，較去年同期減少約27%。在常見的投訴性質當中，以「沒有進行或沒有提供土地查冊」的投訴有最明顯的改善，按年跌幅高達65%。

展望2015下半年，監管局會繼續透過不同渠道監察地產代理的執業情況，包括到訪新成立的地產代理公司。此外，監管局亦會加強教育大眾，舉辦公開講座，並製作新一輯與租務有關的政府電視宣傳短片。

The EAA held a press conference on 28 July 2015 at which its' Chairman, Mr William Leung Wing-cheung, BBS, JP, and Chief Executive Officer, Ms Ruby Hon Yuen-ping, reviewed the EAA's work in the first half of 2015 and introduced its initiatives for the second half.

Mr Leung pointed out that there was a year-on-year decrease of 27% in the total number of complaints received in the first half of 2015. Among the most common categories of complaints, an outstanding improvement was found in that of "failing to conduct a land search or failing to provide a copy of the land search". A year-on-year drop of 65% in the number of that category of complaints was recorded.

In the second half of 2015, the EAA will continue to monitor the practice of estate agents through various means, including paying special visits to newly opened estate agency companies. Moreover, the EAA will increase its efforts in educating the public by organising public seminars and producing a new Announcement in the Public Interest relating to tenancy matters later this year.



有關申報一手住宅物業銷售中已遞交的購樓意向登記的新執業通告

NEW PRACTICE CIRCULAR ON “DECLARATION OF SUBMISSION OF REGISTRATIONS OF INTENT IN THE SALES OF FIRST-HAND RESIDENTIAL PROPERTIES”

監管局執業及考試委員會主席張國鈞太平紳士，於2015年6月30日舉行的新聞發布會上，宣布局方發出有關「申報一手住宅物業銷售中已遞交的購樓意向登記」的新執業通告(編號15-03(CR))，要求參與一手樓盤銷售及/或購買又同時遞交意向登記的地產代理公司及從業員作出申報。

此執業通告、相關的「問與答」及申報表格範例已上載至監管局網頁供業界參考，局方亦於8月舉行了數場相關的持續專業進修講座。此通告已於2015年9月1日生效。

At a press conference on 30 June 2015, Chairman of the EAA's Practice and Examination Committee, Mr Horace Cheung Kwok-kwan, JP, announced the issuance of a new Practice Circular (No.15-03(CR)) on “Declaration of Submission of Registrations of Intent in the Sales of First-Hand Residential Properties”. The Circular sets out guidelines requiring estate agency companies and individual licensees who are involved in the sale and/or purchase of first-hand residential properties to declare their submissions of registrations of intent in that sale.

The Circular, a set of relevant “Questions and Answers” and samples of declaration forms are available on the EAA's website for the trade's reference. A number of CPD seminars were also held in August. The new Circular became effective on 1 September 2015.



有關缺席的訂約方作出妥當的授權的新執業通告 NEW PRACTICE CIRCULAR ON “PROPER AUTHORISATION BY ABSENT CONTRACTING PARTY”

監管局於2015年6月22日發出有關「缺席的訂約方作出妥當的授權」的新執業通告（編號15-02（CR）），規定地產代理在處理物業買賣或租賃交易時，須要求聲稱是缺席的訂約方的獲授權代表出示妥當的授權書，方可讓其進行有關的交易。

持牌人須注意授權書應妥為簽立及核簽。為保障客戶利益，持牌人應確保缺席的訂約方的姓名/名稱以及（如適用）授權書所述的物業及地址與有關物業的土地查冊紀錄所顯示的相符。

此外，倘若只要求該代表簽署一份聲明書，聲稱他已獲得或將會獲得缺席的訂約方的妥當授權，並承諾他個人負責所有後果，這是並不足夠及具高風險的。

持牌人如違反通告內的指引，可能遭受監管局的紀律處分。此通告現已生效，並已上載至監管局網頁供業界參考。

The EAA issued a new Practice Circular (No.15-02(CR)) on “Proper Authorisation by Absent Contracting Party” on 22 June 2015 stipulating that estate agents should require a person claiming to be the authorised representative of an absent contracting party to produce a proper power of attorney when handling any sale and purchase or leasing transactions of properties and allowing the representative to enter into the transaction concerned.

Licensees should note that the power of attorney should be properly executed and attested. In order to protect clients’ interests, licensees should ensure that the name of the absent contracting party and (where applicable) the property described in the power of attorney and its address correspond with those as shown in the land search record of the property concerned.

In addition, it is not sufficient and is highly risky simply to request the representative to sign a declaration to the effect that he has or will have proper authorisation from the absent contracting party and that he will be personally responsible for all consequences.

Licensees who fail to comply with the guidelines may be subject to disciplinary action by the EAA. This Practice Circular has been effective already and available on the EAA’s website for the trade’s reference.

監管局舉辦公開講座 PUBLIC SEMINAR HELD BY THE EAA

為加深公眾對物業交易的認識，監管局將舉辦一系列公開講座。首場講座於2015年9月5日舉行，題為「精明置業系列：如何做個精明一手樓買家」，吸引約250位觀眾參與。

In order to enhance the public’s knowledge on property transactions, the EAA will organise a series of public seminars. The first seminar titled “Tips to become a smart purchaser of first-hand residential properties” was held on 5 September 2015 with an audience of about 250.





監管局行政總裁韓婉萍女士致開幕辭，提醒準買家入市決定前要深思熟慮。講座由前新聞主播方健儀小姐擔任主持，嘉賓講者就有關一手住宅物業市場的各個議題分享觀點。著名學者及投資專家曾淵滄博士分析市場走勢；長遠房屋策略督導委員會及香港房屋委員會委員張國鈞太平紳士，則分析香港房屋供應；英國皇家特許測量師學會的何少亮測量師，分享參觀示範單位及閱讀圖則的要訣。而監管局投訴部高級經理陳汝微律師，則分享透過地產代理購買一手樓時應注意的重要事項。

未來，監管局會繼續舉辦其他有關物業交易的公開講座。

EAA Chief Executive Officer Ms Ruby Hon Yuen-ping delivered the opening remarks and reminded potential purchasers to consider thoroughly before making purchase decision. With former news anchor Ms Akina Fong as the host, guest speakers shared their views on different aspects about the primary residential market. Dr Chan Yan-chong, a renowned academic and expert in investment, shared his insights on the market trend; Mr Horace Cheung Kwok-kwan, JP, a member of the Long Term Housing Strategy Steering Committee and Hong Kong Housing Authority, analysed the housing supply of Hong Kong. Sr Nelson S. L. Ho from the Royal Institution of Chartered Surveyors shared tips when visiting show flats and reading floor plans. Mr Chan U-keng, Senior Manager of Complaints Section of the EAA, shared the important points when purchasing new flats through an estate agent.

The EAA will continue to hold public seminars on other topics concerning property transactions in the future.

財務行動特別組織發出的公開聲明及恐怖分子或與恐怖分子有聯繫者的更新名單

STATEMENT ISSUED BY FINANCIAL ACTION TASK FORCE (“FATF”) AND UPDATED LIST OF TERRORISTS AND TERRORIST ASSOCIATES

監管局不時接獲保安局通知，由打擊清洗黑錢財務行動特別組織（「財務行動特別組織」）發出的公開聲明及其與聯合國安全理事會委員會發出的恐怖分子或與恐怖分子有聯繫者的更新名單。監管局一向十分關注持牌人有否採取措施協助打擊洗黑錢活動，並鼓勵持牌人定期瀏覽財務行動特別組織的網頁（www.fatf-gafi.org），以獲取其最新消息，及留意有關恐怖分子或與恐怖分子有聯繫者的更新名單。

請留意，財務行動特別組織已於2015年6月21-26日舉行會議後發出公開聲明及一份有關改善全球打擊洗黑錢及反恐怖主義融資規管的文件。而恐怖份子或與恐怖份子有聯繫者的名單的上次更新日期為2015年7月17日，持牌人可參閱財務行動特別組織的網頁及相關政府憲報資料（www.gld.gov.hk/egazette/pdf/20151929/cgn201519295170.pdf）。

The EAA has been notified by the Security Bureau regularly on statements issued by the FATF and on the updates of the list of terrorists and terrorist associates from the FATF and the United Nations Security Council Committees. As the EAA attaches great importance to licensees' adopting measures to help combat money laundering activities, licensees are advised and encouraged to visit the FATF's website (www.fatf-gafi.org) regularly for its updates and news, and pay attention to any updated list of terrorists and terrorist associates.

Please note that the FATF has issued a public statement and a document titled “Improving Global AML/CFT Compliance: On-going Process” subsequent to its meeting on 21-26 June 2015 and the list of terrorists and terrorist associates has been last updated on 17 July 2015. Licensees may read the above public statement and document on the FATF's website and the notice at the Government's Gazette for more details (www.gld.gov.hk/egazette/pdf/20151929/egn201519295170.pdf).

持牌地產代理公司須有至少一名董事是持牌地產代理 AT LEAST ONE DIRECTOR OF A LICENSED COMPANY MUST HOLD AN ESTATE AGENT'S LICENCE

《地產代理條例》（《條例》）第20條及《發牌規例》第8條規定，任何公司須有至少一名董事是持牌地產代理方有資格持有地產代理牌照。未能符合有關要求的公司或會被撤銷牌照。

如地產代理公司的董事有任何變更，須按《條例》第40(4)條的規定自有關委任/ 終止委任日期起計的31天內通知監管局。

Section 20 of the EAO and Section 8 of the Licensing Regulation stipulate that a company shall not be eligible to hold an estate agent's licence unless at least one of its directors is a licensed estate agent, contravention of which may result in the revocation of licence by the Authority.

If there is a change of directorship, the company licensee should notify the Authority within 31 days of the appointment or cessation of appointment in accordance with Section 40(4) of the EAO.