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專訪牌照委員會主席羅孔君太平紳士 AN INTERVIEW WITH MISS JANE CURZON LO, JP CHAIRMAN OF THE LICENSING COMMITTEE

本期《專業天地》專訪了監管局牌照委員會主席羅孔君太平紳士，了解一下她對業界專業水平及委員會工作的見解。

問：你自2014年起加入監管局董事局，並於去年開始出任牌照委員會主席。你對持牌人的質素有何印象？

答：我很榮幸出任監管局成員及牌照委員會主席。過去數年間，我對地產代理業界及其執業的認識加深不少。我認為，在業界及監管局的共同努力下，整體而言，持牌人的質素與從前相比，明顯有所提升。然而，我們不應滿足於現狀，我們仍須更努力去提升地產代理的形象。

例如，地產代理於一手樓盤銷售處打鬥搶客的新聞仍時有所聞，涉事的從業員實在十分魯莽和不智。這些行為不但遭受公眾及傳媒的蔑視，更禍及業界多年來建立的成果，令持牌人的形象嚴重受損。況且，於公眾地方打架屬違法行為，涉案代理可能面臨刑事起訴，一旦被定罪，可能被監管局撤銷牌照。讓我在此重申監管局絕不容忍打架行為，涉事持牌人最終或會失去牌照。

In this issue of *Horizons* we interview Miss Jane Curzon LO, JP, Chairman of the EAA Licensing Committee, about her views on the professional standard of the estate agency trade and the work of the Committee.

Q : You have been a member of the EAA Board since 2014 and became the Chairman of the Licensing Committee last year. What are your impressions of the quality of our licensees?

A : I am honoured to be a member of the EAA Board and the Chairman of the Licensing Committee. During the last few years I have learnt a lot about the estate agency industry and its practice. In my view, the quality of the licensees has on the whole notably improved when compared to the early years, owing to the efforts of both the trade and the EAA. However, we should not be content with the achievements so far but more effort is still required to improve the image of estate agents.

For instance, occasionally we still hear news reports about cases of estate agents fighting for clients at first-sale sites. Those who were involved are extremely reckless and unwise. Such behavior is despised by the public and media, and it jeopardises the efforts made by the trade over the years and tarnishes the image of the licensees. More seriously, fighting in public places is against the law and the agents concerned may face criminal charges and, if convicted, could result in the revocation of their licences by the EAA. It is to be stressed that fighting will not be tolerated by the EAA and the licensees concerned could eventually lose their licence.

問：牌照委員會在2016年共撤銷了44個牌照，與2015年數字相等，你預期2017年所撤銷牌照的數字會上升還是下跌？

答：牌照委員會其中一個最重要的職能是為符合所有發牌條件的申請人批給新牌照及續牌申請。假如持牌人被發現不再符合相關的發牌條件，委員會會撤銷其牌照，以確保持牌人的水平符合要求，從而保障消費者權益。

來年，牌照委員會會繼續同樣的工作，但我們無法估計不符合發牌條件的個案會有多少宗。於2016年，大部分被撤銷牌照的持牌人是因他們曾被刑事定罪，而不再是適當人選。他們的牌照被撤銷，除了因為其行為損害業界形象外，也基於相關法例的規定。我衷心希望今後被牌照委員會撤銷牌照的個案會有所減少。

問：假如持牌人在從事地產代理工作時干犯涉及暴力的行為而被刑事定罪，例如在一手樓盤銷售處打架，其牌照是否會被牌照委員會撤銷？

答：監管局一向嚴守其把關者的角色。局方負責規管持牌人的操守，以及提升他們的形象。因此，我們會仔細審閱每個申請。監管局不會接受任何從事地產代理工作時干犯的罪行，尤其是涉及暴力行為。

因應於一手樓盤銷售處發生的打架事件，我們去年更新了有關刑事定罪的政策，以確保符合要求的人士才可繼續於地產代理行業內執業。如相關人士在監管局考慮其定罪紀錄的日期起計的前三年內，曾在從事地產代理工作或在公眾知悉其地產代理身份時干犯涉及暴力的行為而被刑事定罪，其牌照申請一般會被拒絕及/或其所持牌照一般會被撤銷。

因此，持牌人應留意他們的言行操守，必須遵守法律、監管局的指引及守則。否則，他們有可能因在從事地產代理工作時干犯涉及暴力行為的罪行而失去牌照，並最少在三年內不會獲重新批給牌照。

Q : There were 44 licences revoked by the Licensing Committee in 2016, which was the same as 2015. Do you estimate an increase or decrease in 2017?

A : One of the most important tasks of the Licensing Committee is to approve licence applications and renewal applications subject to the applicants fulfilling all licensing requirements. If a licensee is found to no longer meet the relevant licensing requirements, the Committee would revoke his/her licence. This is to ensure that the licensees reach the required standards for the protection of consumers' rights.

In the year to come, the work of the Licensing Committee will remain the same but we cannot guess how many cases of not meeting the licensing requirements there will be. In 2016, the cases mainly concerned holders no longer being "fit and proper" due to their criminal convictions. Those licences were revoked, not only because the behaviour of the licensee concerned damaged the image of the trade, but also due to the requirements of the law. I sincerely hope that there will be fewer cases of revocations by the Licensing Committee this year and in the future.

Q : If a licensee is convicted of any offence involving violence committed in the course of estate agency work, e.g. fighting at a first-sale site, his licence will be revoked by the Licensing Committee. Is that correct?

A : The EAA takes its role of gatekeeping very seriously. We are expected to be the gatekeeper in regulating the conduct of licensees and promoting their image, and as such we verify each licence application thoroughly. Any offence especially involving violence committed in the course of estate agency work will not be acceptable to the EAA.

In view of the fighting incidents which happened in first-sale residential properties sites, we updated our policy on criminal convictions last year to ensure that only those who meet the required standards are allowed to continue to practise in the trade. A licence application will normally be refused and/or a licence will normally be revoked if the person concerned was within a period of three years prior to the date the conviction is considered by the EAA, convicted of any offence involving violence committed in the course of estate agency work or was committed during such time when the licence status of the offender was known to the general public.

Therefore, licensees should be fully aware of their conduct and make sure they comply with the law, EAA guidelines and other regulatory requirements. Otherwise, they could lose their licence and not be granted one again for at least three years for committing any offence involving violence in the course of estate agency work.