

# 小心推銷非住宅物業

Be Careful When Promoting Non-Residential Properties



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“有關條例草案預計將於2018年初通過，持牌人應密切留意，並早作準備。”

“The Bill is expected to be passed in early 2018. Licensees are advised to pay close attention to the development and be prepared.”

### 守法循規 互利共贏

## REGULATORY COMPLIANCE OFFERS A WIN-WIN SITUATION

相信業界已知悉政府已於今年6月向立法會提交了《2017年打擊洗錢及恐怖分子資金籌集(金融機構)(修訂)條例草案》。是次修訂建議關乎要求指定非金融企業及行業人士，包括地產代理界別，在從事指明交易時須進行客戶盡職審查措施，並備存識別客戶身分及有關交易的紀錄最少六年。

雖然本港打擊洗錢及恐怖分子資金籌集的框架大致穩健有效，但隨著金融市場及安全環境不斷轉變，相關的國際標準也持續改進。而有關條例草案旨在加強香港的監管制度，使其與「財務行動特別組織」(打擊洗錢及恐怖分子資金籌集制訂國際標準的跨政府組織，簡稱「特別組織」)所公佈的國際要求一致，以履行香港作為特別組織成員的國際責任。

政府認為，打擊洗錢及恐怖分子資金籌集制度，必須訂立就客戶作盡職審查及備存紀錄規定，才能有效遏止和干擾洗錢活動。因此，該修訂建議亦包括要求地產代理在與客戶建立業務關係前，執行法定的客戶盡職審查措施，包括識別和核實客戶的身分。

就此，監管局於今年2月與主要商會及地產代理公司的代表舉行特別會議，簡介政府的修訂建議，隨後並向財經事務及庫務局反映業界的情況及處境。

據了解，按照特別組織就打擊洗錢倡議的風險為本方案，客戶盡職審查措施可根據風險為本模式進行，即該等措施的程度應視乎客戶、業務關係或交易和相關風險的類別而定。

待政府通過該條例草案後，監管局會採用風險為本方案訂定相關指引，以助業界遵從新條例。有關條例草案預計將於2018年初通過，持牌人應密切留意，並早作準備。

As the trade may be aware, the Government introduced the “Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Bill 2017” (“the Bill”) into the Legislative Council in June 2017. The proposed amendment is about requiring designated non-financial businesses and professions (“DNFBPs”), including the estate agency trade, to conduct customer due diligence (“CDD”) when they engage in specified transactions, and to maintain records on customer identification and transactions for at least six years.

Although Hong Kong has in place a strong and effective anti-money laundering framework, international standards have evolved quickly because of the changing financial market and security landscapes. To fulfill Hong Kong’s international obligation under the Financial Action Task Force (“FATF”, an inter-governmental body that sets international standards on combating money laundering and terrorist financing), the Bill is intended to bring Hong Kong’s regulatory regime up-to-date and in line with international requirements as promulgated by FATF.

The Government is of the view that CDD and record-keeping requirements are the main strands of an effective anti-money laundering regime to deter and disrupt money laundering activities and to ensure integrity of a financial system. Thus, the proposed amendments also require estate agents to implement statutory CDD measures, including identifying and verifying a customer’s identity, before they engage in specified transactions.

Thus, the EAA arranged a special meeting in February 2017 to brief the representatives of major trade associations and estate agency companies about the Government’s proposals, and subsequently submitted a reply to the Financial Services and the Treasury Bureau on the views and comments of the EAA and the trade.

It is understood that in accordance with the risk-based approach advocated by the FATF for combating money laundering, the conduct of CDD measures can be operated in a risk-sensitive manner, whereby the extent of such measures to be undertaken should depend on the types of customers, business relationship or transactions and the associated risks.

To help the trade comply with the new Ordinance, the EAA will issue guidelines adopting a risk-based approach for the trade to follow when the Bill is passed by the Government. The Bill is expected to be passed in early 2018. Licensees are advised to pay close attention to the development and be prepared.



### 監管局回顧2017年上半年工作 EAA HALF YEAR REVIEW 2017

監管局於2017年7月19日舉行新聞發布會，回顧2017年上半年的工作及簡介下半年的工作重點。

監管局於2017年上半年共接獲184宗投訴個案，按年下跌26%。監管局主席梁永祥SBS太平紳士指出，雖然大部份常見的投訴均錄得改善，但涉及有關一手住宅物業銷售活動時「作出失實及誤導性陳述」的投訴，則由2016年上半年的1宗上升至2017年上半年的6宗，錄得五倍升幅。錄得如此升幅的部份原因，主要涉及誤導信用咭付款的運作及其他個別因素。

此外，於2017年上半年，監管局共對175位持牌人採取行動或作出處分，並撤銷了15個牌照及吊銷了8個牌照。

另一方面，參與營業員資格考試的考生人數按年上升65.4%，參與地產代理資格考試的考生人數按年亦有37.6%的升幅。至於個人牌照及公司牌照數字，更分別錄得新高至37,814及3,445個。

踏入2017年下半年，監管局會繼續關注地產代理在銷售一手住宅物業及其他類型的物業，包括非住宅物業及境外物業的操守。而監管局近期發出關於「非住宅物業的買賣或租賃」的執業通告，將於2017年10月1日生效。

另外，監管局將於2017年下半年，發出有關境外物業交易的執業通告，為業界提供相關的指引及守則，讓持牌人在處理此類物業交易時有所依循。

The EAA held a press conference on 19 July 2017 to review its work in the first half of 2017 and introduce initiatives for the second half.

The EAA received a total of 184 complaints in the first half of 2017, which represents a year-on-year decrease of 26%. The EAA Chairman Mr William Leung Wing-cheung, SBS, JP said that while most types of common complaints saw an improvement, the issue of providing inaccurate or misleading information in first-sale activities recorded an increase of five times, from one case in the first half of 2016 to six cases in the first half of 2017. Such a big increase was partly attributable to misrepresentations on the operation of the credit card payment mechanism and other isolated matters.

The EAA has taken action or imposed sanctions on a total of 175 licensees in the first half of 2017. A total of 15 licences were revoked and eight licences were suspended.

Separately, there was a year-on-year rise of 65.4% in the number of candidates sitting the Salespersons Qualifying Examination, and a year-on-year rise of 37.6% in the number of candidates sitting the Estate Agents Qualifying Examination; while the number of individual licences and company licences both recorded record highs of 37,814 and 3,445 respectively.

Stepping into the second half of 2017, the EAA will continue to monitor closely estate agents' conduct and practice in the sale of first-hand residential properties as well as other types of properties, including non-residential properties and overseas properties. The recently issued practice circular on the sale and purchase or leasing of non-residential properties will become effective on 1 October 2017.

In addition, to provide the trade with proper guidelines and practice standards to follow when handling transactions of overseas properties, the EAA will issue a related practice circular in the latter half of 2017.



## 非住宅物業執業指引10月1日起生效 NEW PRACTICE CIRCULAR ON NON-RESIDENTIAL PROPERTIES TAKES EFFECT ON 1 OCTOBER

為向持牌人就處理非住宅物業的買賣或租賃的若干重要事項提供進一步指引，監管局於2017年7月發出題為「非住宅物業的買賣或租賃」的新執業通告（編號17-02(CR)）。該執業通告將於2017年10月1日生效。

新通告涵蓋樓面面積資料、許可用途、提供物業資料、閣仔及閣樓，以及未建成樓宇內的非住宅物業或樓宇內未完成分間的非住宅物業等範疇。

新通告的理念旨在讓業界向客戶提供準確的資料。倘若該等資料未能核實，持牌人則須如實告知客戶，及有責任向客戶解釋買賣或租賃相關物業可能涉及的風險，並建議他們尋求法律及/或專業意見。

局方亦準備了相關的「問與答」及「持牌人的清單」供業界參考。持牌人應仔細參閱該通告及有關詳情，以進一步了解及遵守相關規定。

### 執業通告（編號13-04(CR)） 相關的「問與答」已更新

此外，監管局已於2017年7月6日更新了「一手住宅物業銷售進行推廣活動及提供物業資料的操守」執業通告（編號13-04(CR)）的「問與答」。其中增設了新的問與答（第19至21題），局方亦鼓勵持牌人參閱有關內容。

In order to provide further guideline for licensees on certain important issues pertaining to the proper practices and measures to adopt in handling the sale and purchase or leasing of non-residential properties, the EAA issued a new Practice Circular (No. 17-02 (CR)) titled “Sales and Purchase or Leasing of Non-residential Properties” in July 2017. The practice circular will take effect on 1 October 2017.

The new circular covers such areas like floor area information, permitted use, provision of property information, cocklofts and mezzanine floors, and uncompleted building or uncompleted subdivision of any part of a building.

The principle of the circular is to facilitate licensees to provide accurate information to their clients. If such information could not be verified, licensees should advise the clients accordingly, the risks of purchasing or renting the relevant properties, and the need to seek legal and / or professional advice.

A set of relevant “Questions and Answers” and “Checklist for Licensees” were also prepared for the trade’s reference. Licensees should read the practice circular and related details carefully for a better understanding of and compliance with the requirements.

### UPDATE OF Q&A RELATED TO PRACTICE CIRCULAR (NO. 13-04 (CR))

In addition, the EAA updated the set of Questions and Answers related to Practice Circular (No. 13-04 (CR)) titled “First Sale of Residential Properties - Conduct in Promotional Activities and Provision of Property Information” on 6 July 2017, by incorporating new questions and answers (Q19 to Q21). Licensees are encouraged to read the details.



## 內地與香港地產代理資格互認續約協議 RENEWAL AGREEMENT FOR MUTUAL RECOGNITION OF QUALIFICATIONS FOR ESTATE AGENTS BETWEEN MAINLAND AND HONG KONG

監管局與內地監管機構中國房地產估價師與房地產經紀人學會(中房學)於2017年6月23日簽署協議，落實在《內地與香港關於建立更緊密經貿關係的安排》(CEPA)框架下，有關內地房地產經紀人與香港地產代理專業資格互認的續約協議。逾60名來自香港及內地的業界代表出席於北京舉行的簽約儀式，共證盛事。



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，監管局率先於2010年11月與中房學簽署為期五年的協議，落實內地與香港地產代理專業資格互認計劃的基本安排。

根據該協議，監管局和中房學可分別推薦特定數額的合資格地產代理與房地產經紀人，參加由對方專門開設的培訓課程及考試，以取得在內地和香港從事房地產經紀人或地產代理行業的專業資格。

透過此互認計劃取得兩地執業資格的人士，其執業會同時受到監管局和中房學的規管。有關新一輪的訓練課程及考試將於2017年12月舉行。

The EAA and the Mainland's national regulatory body, China Institute of Real Estate Appraisers and Agents (CIREA) entered into an agreement on 23 June 2017, renewing the mutual recognition of professional qualifications scheme for estate agents in Hong Kong and the Mainland under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA). Over 60 trade representatives from Hong Kong and the Mainland attended and witnessed the signing ceremony held in Beijing.

With an aim of boosting professional exchanges and long-term development between estate agents in Hong Kong and the Mainland, the EAA and CIREA first entered into a five-year agreement in November 2010 to lay the foundation for the mutual recognition of professional qualifications for estate agents in the Mainland and Hong Kong.

According to the agreement, each party would nominate qualified estate agents to take a training course and sit for an examination organised by the other party in order to apply for the professional qualifications to practice in both the Mainland and Hong Kong.

Estate agents having obtained the qualification to conduct estate agency work through the mutual recognition scheme will have their practice regulated by both the EAA and CIREA. The new round of training course and examination will be held in December 2017.

## 持續專業進修計劃新修訂

# OVERHAUL OF CONTINUING PROFESSIONAL DEVELOPMENT (“CPD”) SCHEME

監管局自2005年5月起推行持續專業進修計劃，旨在促進地產代理從業員持續學習及專業發展。為鼓勵持牌人積極參與及其他培訓機構提供持續專業進修活動，監管局就持續專業進修計劃作出以下的新修訂。新修訂將於2017年10月1日生效：

- (1) 取消持續專業進修科目之核心科目和非核心科目的分類。
- (2) 修訂持續專業進修科目的名稱和分類如下：

類別 Categories	科目 Subjects
合規及有效管理 Compliance and Effective Management	<ul style="list-style-type: none"> <li>• 守法合規 Regulatory and Legal Compliance</li> <li>• 有效管理及營運 Effective Management and Operations</li> </ul>
全面提升發展 All-round Advancement	<ul style="list-style-type: none"> <li>• 行業知識及市場資訊 Industry Knowledge and Market Update</li> <li>• 溝通及人際關係技巧 Communication and Interpersonal Skills</li> <li>• 營商及商業知識 Business and Commercial Knowledge</li> <li>• 其他有助提升持牌之能力或個人成就的知識 Other Knowledge Conducive to Raising Competence or Enabling Personal Accomplishment of Licensees</li> </ul>

- (3) 擴大學習活動模式。以下為新修訂後的活動模式：講座／研討會；監管局舉辦的網上個案研習；網上遙距學習；多節組成的培訓活動；可獲頒學術資格的課程；教授或舉辦獲承認的持續專業進修活動；擔任義務工作；午餐講座及演講；遊學團、代表團探訪或專業交流活動；作出及接受指導／輔導及知識分享活動；以及出版著作。

- (4) 簡化申請成為持續專業進修活動的程序。倘若有關科目屬前述第(2)段所列的6個科目及學習模式屬前述第(3)段所列的11個學習模式，活動主辦機構和個人持牌人可就已獲承認為持續專業進修計劃下之活動，向監管局遞交出席紀錄或修讀證明申領學分。

The EAA launched the CPD Scheme in May 2005 to foster estate agency practitioners' continuous learning and professional development. To encourage licensees' participation in and activity providers' provision of CPD activities, the EAA has conducted an overhaul of the CPD Scheme and made the following changes, with effect from 1 October 2017:

- (1) The core and non-core classification of the CPD subjects is scrapped.
- (2) The CPD subjects are re-named and re-categorised as follows:

- (3) After the overhaul, the learning modes are expanded. The revised learning modes are: Seminar / Lecture; EAA e-Quiz; Web-based Distance Learning; Multi-session Training Activity; Award-bearing Course; Teaching or Conducting Recognised CPD Activity; Pro bono Work; Luncheon Talk and Presentation; Tour, Delegation Visit or Professional Exchange Activities; Delivering and Receiving Coaching / Mentoring and Knowledge Sharing Session; and Publication.

- (4) The procedures for applying for recognition of CPD activities are simplified. Activity providers and individual licensees can submit attendance records or proofs of completion of the recognised CPD activities to the EAA to claim CPD points provided that the subjects and learning modes of the activities fall within the six subjects as set out in item (2) above and 11 learning modes as set out in item (3) above.

## 資格考試：新報考限制和更新版考生須知及守則 QUALIFYING EXAMINATION: NEW REGISTRATION RESTRICTIONS AND REVISED INSTRUCTIONS TO CANDIDATES

監管局已於2017年7月發出有關報考資格考試限制之重要告示，以及有關使用計算機及檢查有否攜帶電子儀器的更新版「考生須知及守則」。

當中有關考試期間不得使用計算機的規定已於2017年6月舉行的資格考試開始實施，其餘上述措施則適用於報考2017年10月及之後的資格考試。詳情請瀏覽監管局有關「考試」之「特別通告」的網頁：[www.eaa.org.hk/zh-hk/Examination/Special-Notice](http://www.eaa.org.hk/zh-hk/Examination/Special-Notice)

Important notices regarding restrictions on registration for qualifying examinations and revised Instructions to Candidates related to the use of calculators and checking of electronic devices were issued in July 2017.

The prohibition against the use of calculators has been in force as from the June 2017 qualifying examinations, whereas the other measures mentioned above are applicable as from the October 2017 qualifying examinations. For details, please visit the “Special Notice” section under the “Exam” column of the EAA website: [www.eaa.org.hk/en-us/Examination/Special-Notice](http://www.eaa.org.hk/en-us/Examination/Special-Notice)

## 恐怖分子或與恐怖分子有聯繫者的更新資料 UPDATED LIST OF TERRORISTS AND TERRORIST ASSOCIATES

監管局不時接獲保安局通知，有關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。持牌人應採取措施協助打擊洗黑錢活動及留意更新資料。

聯合國已於2017年9月22日發出恐怖分子或與恐怖分子有聯繫者的更新名單（政府憲報：[www.gld.gov.hk/egazette/pdf/20172138/cgn201721387070.pdf](http://www.gld.gov.hk/egazette/pdf/20172138/cgn201721387070.pdf)）。監管局提醒所有持牌人，如發現任何懷疑洗黑錢個案，應向政府的聯合財富情報組舉報。

The EAA is notified by the Security Bureau regularly on the updates of the list of terrorists and terrorist associates from the United Nations Security Council Committees. Licensees should adopt measures to help combat money laundering activities and pay attention to the updated list.

The United Nations has issued an updated list of terrorists and terrorist associates and a notice was published in the Government Gazette on 22 September 2017 (Government Gazette : [www.gld.gov.hk/egazette/pdf/20172138/egn201721387070.pdf](http://www.gld.gov.hk/egazette/pdf/20172138/egn201721387070.pdf)). The EAA would like to remind all licensees that any suspicious cases of money laundering should be reported to the Government's Joint Financial Intelligence Unit.



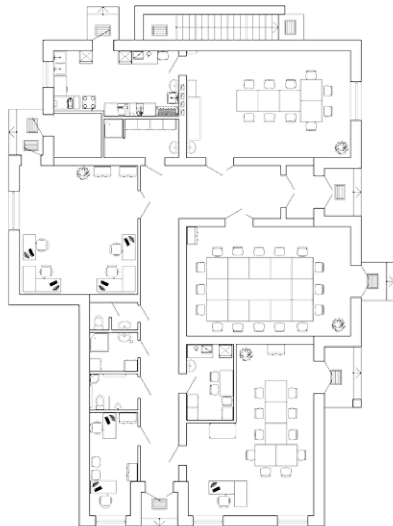


## 小心推銷非住宅物業 BE CAREFUL WHEN PROMOTING NON-RESIDENTIAL PROPERTIES

根據土地註冊處資料，2017年8月份非住宅物業買賣協議的註冊量較7月份有所上升。一般而言，非住宅物業的交易涉及的問題較住宅物業複雜。有見及此，監管局早前發出新執業通告，為持牌人就處理非住宅物業的買賣或租賃的若干重要事項提供指引，該執業通告將於2017年10月1日生效。

### 核實資料為先

新執業通告提醒持牌人在處理非住宅物業的買賣及租賃時，必須向客戶提供正確的物業資料。地產代理作出任何陳述前，須採取所有合理步驟及盡一切努力核實有關資料，倘若該等資料未能核實，便應如實告知客戶。



According to information of the Land Registry, the number of agreements for sale and purchase of non-residential properties received for registration in August 2017 recorded an increase when compared that in July 2017. In general, the issues involved in the sale and purchase of non-residential properties are more complicated than those of residential properties. In light of the aforesaid, the EAA issued a new Practice Circular setting out guidelines for licensees on certain important issues pertaining to the proper practice and measures in handling the sale and purchase or leasing of non-residential properties. The Circular will take effect on 1 October 2017.

### VERIFYING THE INFORMATION BEFOREHAND

The new circular reminds licensees that they must provide accurate property information to clients when handling the sale and purchase or leasing of non-residential properties. Estate agents should also take all reasonable steps and exercise all due diligence to verify the information before making any representation. If such information cannot be verified, they should inform their clients accordingly.

## 提供樓面面積資料

一些地產代理或會將賣方所提供的樓面面積資料用於廣告上；然而，市場上對非住宅物業的樓面面積的描述，並沒有統一或普遍採納的定義。因此，地產代理如提供非住宅物業的樓面面積資料，該等資料必須是從合理來源取得，或是基於恰當的根據下提供的。

此外，倘若該等資料未能核實，持牌人在廣告中則須清楚述明該樓面面積資料未經其核實。

## PROVISION OF FLOOR AREA INFORMATION

Some estate agents may state in the advertisements the floor area information of non-residential properties obtained from the vendor. However, there is no standardised definition of any description of floor area in the market for non-residential properties. Therefore, estate agents may only provide floor area information of a non-residential property if such information was obtained from a reasonable source or there was a proper basis to rely on for providing such information.

Moreover, if the floor area information cannot be verified, they should clearly state in the advertisement that the floor area information has not been verified.



## 查閱入伙紙上的許可用途

物業的許可用途一般會列明於佔用許可證（俗稱「入伙紙」）上。如入伙紙已發出，地產代理須確保他們向客戶提供的資料是來自該物業的入伙紙，同時須告知他們，除入伙紙外，在有關樓宇所座落的土地的政府批地書及／或有關樓宇的公契亦可能載有限制有關物業作特定用途的條文，及建議客戶如有需要應尋求法律或專業意見。假如相關入伙紙尚未發出，他們則須告知客戶無法核實該非住宅物業的許可用途；並建議客戶尋求法律或專業意見。

## CHECK THE OCCUPATION PERMIT FOR PERMITTED USE

Generally speaking, the permitted use of a property is stated on the Occupation Permit ("OP"). When licensees provide information on the permitted use of a non-residential property and where the OP relating to the property has been issued, estate agents must provide such information as stated on the relevant OP, inform their clients that apart from the OP, the relevant Government Grant and/or the Deed of Mutual Covenant may also contain user restrictions and advise their clients to seek legal and/ or professional advice, if necessary. If the OP has not been issued, they should inform their clients that the permitted use of the property cannot be verified, and advise them to seek legal and/or professional advice.

## 留意閣仔及閣樓是否違規建築工程

在處理附有閣仔或閣樓的非住宅物業時，地產代理應小心查看有關的入伙紙，以核實該閣仔或閣樓的合法性。當無法核實該非住宅物業的閣仔或閣樓是否合法時，則應提醒客戶購買附有違例建築工程的物業所涉及的風險，及視乎需要尋求法律或專業意見。

## BEWARE OF ILLEGALITY OF COCKLOFTS AND MEZZANINE FLOORS

When dealing with a non-residential property which has a cockloft or mezzanine floor, estate agents should check the relevant OP carefully so as to ascertain the legality of such cockloft or mezzanine floor. When the legality of the cockloft or mezzanine floor cannot be verified, they should alert their clients to the risks of purchasing such properties having unauthorised building works, as well as the need to seek legal and/ or professional advice thereon.







### 未建成樓宇內或樓宇內 未完成分間的非住宅物業

購買未建成樓宇內或樓宇內未完成分間的非住宅物業作投資亦十分普遍。在大多數情況下，在買賣雙方訂立買賣協議之前，買方並沒有機會視察有關物業。因此，地產代理須向買方提供清晰及準確的物業資料(例如：由賣方擬備的最新版本之售樓說明書、樓面平面圖及/或價單)致使他們可在知情的情況下作出決定。

在處理非住宅物業的買賣或租賃時，除執業通告(編號17-02(CR))外，地產代理亦須依循監管局發出的所有其他通告載列的指引，只要該等指引並沒有明確指明僅關乎住宅物業及/或不關乎《地產代理常規(一般責任及香港住宅物業)規例》中僅適用於住宅物業的條文。

非住宅物業的銷售可涉及繁複細節，地產代理執業時必須盡量小心，不可向客戶作出任何具誤導性的陳述。至於消費者，在與賣方訂立買賣合約前，則應先了解清楚與物業有關的資料，及在有需要時先尋求法律及/或專業意見，才作出購買的決定。

### UNCOMPLETED BUILDING OR UNCOMPLETED SUBDIVISION OF ANY PART OF A BUILDING

Buying non-residential properties in an uncompleted building or an uncompleted subdivision of any part of a building for investment is quite common nowadays. In most cases, the purchasers do not have the opportunity to view the property before they enter into the agreement for sale and purchase with the vendor. Hence, estate agents are required to provide clear and accurate property information to their clients, such as the latest versions of the sales brochures, floor plans and/or price lists prepared by the vendor, to enable them to make an informed decision.

In addition to Practice Circular (No. 17-02(CR)), estate agents, when handling the sale and purchase or leasing of non-residential properties, are also required to follow the guidelines set out in all other circulars issued by the EAA, in so far as the guidelines are not specifically referable to residential properties only and/or to the provisions of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation which are applicable to residential properties only.

As the sale of non-residential properties may involve complicated issues, estate agents should always exercise due care in their practice and must not make any misleading representation to their clients. As for consumers, they should, before entering into an agreement for sale and purchase with the vendor, obtain all the relevant information related to the property for consideration and seek legal and/or professional advice, where necessary, before making a purchase decision.





黃光耀先生

**Mr Ricky Wong Kwong-yiu**

- 會德豐有限公司董事  
Director, Wheelock and Company Limited
- 英國皇家特許測量師學會資深會員  
Fellow Member, Royal Institution of Chartered Surveyors
- 民政事務局「伙伴倡自強」社區協作計劃諮詢委員會委員  
Member, Advisory Committee on Enhancing Self-Reliance Through District Partnership Programme, Home Affairs Bureau
- 香港考試及評核局香港中學文憑考試應用學習科目委員會增選委員  
Co-opted Member, Hong Kong Diploma of Secondary Education Examination – Applied Learning Subject Committee, Hong Kong Examinations and Assessment Authority
- 香港綠色建築議會董事會成員及綠建教育委員會副主席  
Director, Hong Kong Green Building Council and Vice-Chairman, Public Education Committee
- 香港僱主聯合會副主席  
Vice-Chairman, Employers' Federation of Hong Kong

## 專訪監管局成員黃光耀先生

### INTERVIEW WITH EAA BOARD MEMBER MR RICKY WONG KWONG-YIU

本期《專業天地》專訪了監管局成員黃光耀先生，了解一下他參與監管局工作的經驗，對業界專業水平的看法，以及他保持工作與生活平衡的心得。

In this issue of *Horizons*, we interview our EAA Board member Mr Ricky Wong Kwong-yiu about his experiences of participating in the EAA's work and his views on the professional standard of estate agency trade. He also shared tips to achieve work-life balance.

**問：**你自2014年加入監管局董事局便積極參與不同委員會的工作，可否分享一下你對業界的印象？

**Q：**You have actively involved in the works of different committees since you joined the EAA Board in 2014. Could you share with us your impressions towards the trade?

**答：**在過去數年間，我有幸參與不同委員會的工作，包括：紀律委員會、牌照委員會、執業及考試委員會。雖然委員會的工作量比我預期為重，但我樂在其中。

**A：**During these years, I am pleased to be involved in the works of different committees of the EAA, including the Disciplinary Committee, Licensing Committee, and Practice and Examination Committee. The workload is indeed heavier than I had originally expected but I do find joy in the committee works.

我從中體會，過去多年業界的操守水準及對於守法循規的警覺性提升不少。整體而言，重複違規的持牌人比例並不多，但仍有個別涉及嚴重違規的案件。監管局會保持警覺，繼續對違規持牌人採取紀律行動。

Through my participation in the committee works, I realised that the trade's professional standard and awareness in compliance have improved a lot over the years. Overall speaking, the number of repeated offenders is not very high. However, there are still isolated cases of serious breaches. The EAA would stay vigilant and continue to take disciplinary actions against those who have committed breaches.



事實上，因應瞬息萬變的社會形勢，監管局一向採取積極主動的策略，包括不時檢視業界的執業手法並發出執業通告，實行教育性巡查以加強從業員對於新通告的認識，並嚴謹把關確保入行者皆是持牌的「適當人選」。

In fact, the EAA takes a proactive approach in response to ever-changing social situation. From time to time, the EAA reviews the trade's practice and issues new practice circulars. It also conducts educational visits to enhance the trade's understanding of the new guidelines through educational visits, and ensures that new entrants are "fit and proper" persons to hold a licence through rigorous gatekeeping measures.

問：監管局為慶祝成立二十周年而首次舉辦微電影比賽，作為比賽的評審之一，你認為參賽作品如何？

Q : The EAA is organising its first Micro Movie Competition this year on the occasion of its 20<sup>th</sup> Anniversary. Serving as a member of the judging panel, what are your views about the entrants?

答：我很高興能夠參與評審工作。是次比賽反應相當熱烈，吸引了近30隊來自不同專上院校的新一代年輕人參賽。參賽作品的水平十分之高，創意及技巧皆是平均水準之上。

A : I am glad to be able to participate in the judging. The competition received overwhelming response and attracted some 30 entries from youngsters attending different post-secondary educational institutions. The level of entries is of such high quality that creativity and technique are both beyond average.

我們更安排了幾位資深的業界代表擔任拍攝顧問，為入圍的參賽隊伍提供寶貴意見，協助他們製作出能夠反映地產代理行業的作品。

We have invited a number of experienced trade practitioners to serve as Coaches of the shortlisted teams. The Coaches offered the young talents great advice and support to facilitate their production of micro movies that reflect the estate agency trade.

是次比賽不但增進了年輕一代對地產代理行業的認識，從而建立他們對行業的信任，對提升業界的專業形象亦有一定助益，實在非常有意義。

The competition has not only promoted the young generation's understanding of the trade, build up their trust in the industry, but also help enhance the trade's professional image. This is really meaningful.

問：在忙碌的工作之外，你亦非常積極參與公共事務和推動公益。可否與讀者分享一下你的心得，如何從百忙中取得平衡？

Q : You are a devoted businessman and very active in public services and community works. Could you share with our readers some tips on how to manage a good balance?

答：我從事房地產工作近三十年，這個行業的節奏迅速，必須長期奮力工作。幸而我的公職大多涉及我的專業知識，在貢獻社會及推動公益的同時，又能夠令我緊貼社會步伐，實在是無與倫比的經驗，我亦因而樂此不疲。

A : I have been in the real estate business for almost 30 years. It is a fast moving industry and one needs to work strenuously for long term. Luckily still, the public services and community works I participate in usually involve my professional knowledge. I would say that nothing is better than contributing to and promoting community goodwill, while keeping up with market developments at the same time. I therefore very much enjoy the work.

### 紀律研訊個案：提供貸款予準買家 DISCIPLINARY HEARING CASE: PROVIDING LOANS TO PROSPECTIVE PURCHASER

#### 引言

地產代理不得向一手住宅物業的準買家提供或提出提供貸款，而地產代理公司的管理層亦必須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，以確保其公司的僱員遵守《地產代理條例》的條文。否則，地產代理及其公司兩者有可能被監管局紀律處分。

#### INTRODUCTION

Estate agents must not offer or make loans to prospective purchasers of first-hand residential properties. In this regard, the management of an estate agency company must establish proper procedures or systems to supervise the company's estate agency work, and to ensure the employees comply with the provisions of the Estate Agents Ordinance. Otherwise, both estate agents and the company may be subject to disciplinary action by the EAA.

#### 事件經過

一名地產代理於某一手樓盤銷售地點向一名準買家介紹一個單位。由於該準買家並未帶備支票支付訂金，地產代理遂向客人表示，其公司可先為他開出一張100,000元的本票及臨時訂金餘款154,850元的支票。於是，該買家其後便透過信用卡及自動櫃員機，合共支付了100,000元予地產代理公司以換取一張等額的本票，該公司並以其支票替該買家支付了訂金餘款154,850元。

而該地產代理在安排買家簽訂臨時買賣合約（「臨約」）後，該買家由於獲悉他未必能夠取得足夠的按揭貸款，遂決定取消該臨約，該筆訂金254,850元因而遭發展商沒收。該買家感到不憤，遂向監管局作出投訴。

#### INCIDENT

An estate agent introduced a first-hand residential property to a prospective purchaser at a first-sale site. The estate agent offered a cashier order of \$100,000 and a cheque of \$154,850 to the purchaser as the purchaser said he had not brought with him any cheque to pay for the deposit. Later on, the purchaser paid a total of \$100,000 to the estate agency company that the estate agent worked for by credit card and ATM in exchange for the said cashier order. The remaining deposit of \$154,850 was paid by the estate agency company by issuing a cheque for the purchaser.

The estate agent then arranged for the purchaser to enter into a provisional agreement of sale and purchase ("PASP"). However, as the purchaser found out that he would not be able to obtain a sufficient mortgage loan, he therefore cancelled the PASP, and the deposit of \$254,850 was forfeited to the developer. Feeling aggrieved, the purchaser lodged a complaint with the EAA.

#### 研訊結果

監管局紀律委員會認為，該地產代理公司沒有遵守執業通告（編號13-04(CR)）的指引，即持牌人不得向準買家提供或提出提供貸款，以及違反《操守守則》第3.2.1段。

另外，該公司授權其地產代理可同時處理及批核訂金支票，制度上缺乏

#### RESULT

The EAA Disciplinary Committee was of the view that the estate agency company had failed to comply with the guidelines set out in Practice Circular (No.13-04(CR)), which stipulates that licensees must not offer or make loans to a prospective purchaser. It was in breach of paragraph 3.2.1 of the *Code of Ethics*.

In addition, as the company authorised the estate agent to approve and handle cashier orders and cheques without implementing any effective check and balance procedures to prevent its staff from

監管與制衡，從而引至其地產代理提出提供貸款予準買家，即未有設立妥善的程序或制度以監督和管理其地產代理業務，以確保其僱員遵守《地產代理條例》、其附屬法例、監管局發出的《操守守則》及其執業通告等，因而違反《地產代理常規（一般責任及香港住宅物業）規例》第15條。

考慮到個案的性質、同類個案的罰則，以及該持牌地產代理公司的違規紀錄，該公司最終被譴責及罰款100,000元。

offering loans to prospective purchasers, it had therefore failed to establish proper procedures or systems to supervise and manage its business in order to ensure its employees comply with the provisions of the Estate Agents Ordinance, and its subsidiary legislation, the *Code of Ethics*, practice circulars and guidelines issued from time to time by the EAA. Thus, it was in breach of section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation.

Having considered the nature and gravity of the case, the sanctions for similar cases and the disciplinary record of the estate agency company, the company was reprimanded and fined \$100,000.



#### 業界回應 COMMENT FROM TRADE

作為地產代理從業員，絕不能向準買家提供貸款或承諾買家其貸款保證一定成功。此外，從業員亦應建議其客戶向銀行查詢有關貸款的事宜，以保障其利益。

Practitioners must not offer or make loans to prospective purchasers. In order to protect clients' interest, estate agents should not make any assurance on the amount or the terms of the mortgage, but remind the clients to contact the banks directly for the information on relevant mortgage plan.

香港房地產代理業聯會第一副主席李景亮先生  
Mr Lee King-leong, First Vice Chairman of Hong Kong Property Agencies Association

## 紀律研訊個案：違例建築工程損害客戶利益 DISCIPLINARY HEARING CASE: UNAUTHORISED BUILDING WORKS PREJUDICE CLIENT INTEREST

### 引言

持牌人在處理住宅物業的租賃時，須採取措施核實物業是否涉及違例建築工程，並如實告知客戶相關事實及風險。持牌人亦須提醒客戶在進行交易前，應先尋求法律意見。否則有可能被監管局紀律處分。

### INTRODUCTION

When handling the leasing of residential properties, licensees should take steps to ascertain whether there are unauthorised building works on the property and if so, inform their clients of the risks and consequences involved. Licensees should also remind their clients to seek legal advice before proceeding with the transaction. Otherwise, they may be subject to disciplinary actions by the EAA.

### 事件經過

一名營業員安排一位租客視察一間設有天台搭建物的村屋。該營業員已知悉該搭建物屬違例建築物，但並沒有就該違

### INCIDENT

A salesperson arranged for a tenant to inspect a village house with an enclosed rooftop structure. The salesperson had actual knowledge that the rooftop structure is an unauthorised

例搭建物所涉及的風險提醒租客先尋求法律意見，才繼續該物業的租賃交易。

在訂立臨時租約及正式租約後，該租客接獲律師通知，該搭建物屬違例建築物及並未獲屋宇署批准。該租客遂向監管局作出投訴。

building work. However, he did not alert the tenant to the risks involved and remind the tenant to seek legal advice before proceeding with the transaction.

After signing the Provisional Tenancy Agreement and the Tenancy Agreement, the tenant learnt from his solicitor that the rooftop structure is an unauthorised building work and did not have the approval of the Buildings Department. The tenant then lodged a complaint with the EAA.

## 研訊結果

監管局紀律委員會認為，該營業員沒有提醒租客在進行租賃交易前，就租住附有違例建築的物業所涉及的風險尋求法律意見，未有遵守執業通告（編號10-01(CR)）的指引，因而違反了《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、本操守守則，以及由監管局不時發布的所有其他指引。」

此外，該營業員在臨時租約及正式租約上錯誤填寫該物業的地址，違反了《操守守則》第3.5.1段：「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。」

考慮到個案的性質、持牌人的違規紀錄及同類個案的罰則，委員會決定譴責該名營業員，並在其牌照上附加條件，要求他在24個月內取得持續專業進修計劃下的24個學分。

## RESULT

The EAA Disciplinary Committee found that the salesperson had failed to remind the tenant to seek legal advice regarding the risks involved in renting a property with unauthorised building works before proceeding with the lease transactions. Thus, he failed to comply with Practice Circular (No. 10-01(CR)). He was in breach of paragraph 3.2.1 of the *Code of Ethics* issued by the EAA, which stipulates: “estate agents and salespersons should be fully conversant with the Estate Agents Ordinance, its subsidiary legislation, this 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” .

In addition, he failed to insert the correct address of the property in both the Provisional Tenancy Agreement and the Tenancy Agreement. He was therefore in breach of 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.

Having considered the nature and gravity of the case and the disciplinary record of the salesperson, the Committee decided to reprimand the salesperson and attach conditions to his licence requiring him to obtain 24 points under the EAA’s Continuing Professional Development Scheme in 24 months.



## 業界回應 COMMENT FROM TRADE

地產代理在處理租賃時，有責任就該物業進行土地查冊，以核實物業是否涉及違例建築工程，並如實告知準租客相關事實和風險。另外，如物業附有違例建築工程，則須建議客戶在進行租賃程序前，先尋求法律意見，以保障客戶利益。

Estate agents have the responsibility to conduct a land search of the relevant property in order to verify if any unauthorised building works (“UBW”) are involved when handling tenancy. Besides, to protect the interest of the clients, estate agents should remind their clients to seek legal advice before proceeding with the tenancy if the property involves UBW.

香港地產代理專業協會會長郭昶先生

Mr Anthony Kwok Chong, President of Society of Hong Kong Real Estate Agents Ltd.



## 持續專業進修講座

### CPD SEMINAR

#### 新執業通告 — 非住宅物業的買賣或租賃

#### New Practice Circular - Sale and Purchase or Leasing of Non-residential Properties



Over the years, the EAA has issued a number of practice circulars to provide guidelines specifying any conduct or practice which the EAA considers as a professional standard that ought to be followed by licensees in the course of their practice. With a view to providing further guidance for licensees handling non-residential properties, the EAA has recently issued a new Circular

多年以來，監管局發出多份執業通告，以提供監管局認為乃屬持牌人在其執業過程中應當依循的專業標準的操守或實務指引。為了向持牌人就處理非住宅物業提供進一步的指引，監管局已於2017年7月發出新執業通告：「非住宅物業的買賣或租賃」(編號17-02(CR))，就有關處理非住宅物業的買賣或租賃的若干重要事項的妥善執業方式和措施提供指引。

(No. 17-02 (CR)) - Sale and Purchase or Leasing of Non-residential Properties in July 2017, setting out guidelines on certain important issues pertaining to the proper practice and measures in handling the sale and purchase or leasing of non-residential properties.

To enhance licensees' understanding of the new Circular, the EAA organised two CPD seminars on 9 August and 11 August 2017 in Chinese and English respectively. At the seminars, the EAA's representative explained in detail the guidelines on sale and purchase and leasing of non-residential properties to enhance the trade's knowledge of the relevant subject. These seminars were well-received and attracted more than 250 attendees.

為加深持牌人對新執業通告的認識，監管局於2017年8月9日及11日舉辦了兩場分別以廣東話及英語授課的講座，合共有超過250名持牌人出席。席間，監管局代表向持牌人講解局方就非住宅物業的買賣或租賃的指引，以增進業界對有關課題的認識。



# 執業問與答

## PRACTICE Q&A

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：倘若租住物業附有的傢俬及電器是由房東所提供的，而該等傢俬或電器日後涉及維修，有關的維修費用該由租客還是業主承擔？

Q : Should the tenant or landlord bear the cost of repair to the electrical appliances provided by the landlord in a rental property?

答：維修責任是引起業主與租客爭拗的主要源頭之一。地產代理應在租約上訂明出租單位所附有的傢俬、電器等；並提醒租客在簽署租約前，應小心檢查這些傢俬電器的狀況。此外，地產代理應註明該等裝置的維修費用應由哪一方負責，以及業主會否在租約期內更換。

A : Repairs are one of the major causes for disputes between landlords and tenants. Estate agents should list in the tenancy agreement any furniture and electrical appliances to be included in the tenancy, and remind the tenant to examine carefully the condition of the items before signing the tenancy agreement. Estate agents should also specify in the tenancy agreement which party will be responsible for the costs of repair of such items and whether any replacement will be provided by the landlord during the term of tenancy.

問：地產代理在處理未解除按揭的住宅物業的租賃時，需要注意那些地方？

Q : What are the points-to-note for estate agents when handling the lease transactions of residential properties with undischarged mortgage?

答：根據《地產代理常規(一般責任及香港住宅物業)規例》，地產代理與客戶在訂立訂明的地產代理協議後，有責任向客戶提供已填妥的《出租資料表格》(「表格2」)。「表格2」中須列明該物業的某些訂明資料，包括物業註冊於土地註冊處的有效產權負擔(例如按揭或押記)。另外，一般按揭契約訂明，業主須獲銀行同意，才可將已按揭的物業出租，否則銀行不會認可租客的租住權。如業主日後無法供款，而銀行沒收出租單位的話，租客將無權繼續租住，及可能無法取回按金。因此，地產代理在處理此類物業時應提醒客戶相關的潛在風險。

A : According to the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, after entering into a prescribed estate agency agreement, estate agents are required to provide the completed Leasing Information Form (i.e. Form 2) to their clients in which certain prescribed information including the subsisting encumbrances registered in the Land Registry (such as mortgage or charge) about the concerned property should be stated. Moreover, a mortgage deed usually stipulates that the mortgaged property cannot be leased out, unless the landlord has obtained the bank's approval, otherwise the bank will not acknowledge the tenant's tenure. If the landlord stops repayment of the mortgage, when the bank takes possession, the tenant may not be able to continue renting the property. He may also be unable to get his rental deposit back. Estate agents should therefore remind clients on the potential risks when handling these properties.

### 何謂「送讓契」？

### “D” FOR “DEED OF GIFT”



送讓契是一份由業主(贈與人)以饋贈方式將物業的法定擁有權轉讓予受贈人的文書。

根據《破產條例》(第6章)，倘若贈與人被判定破產，並在有關的破產呈請的提出當日起計之前的五年內作出饋贈或訂立一項沒有代價的交易，破產受託人可將有關的送讓契作廢，除非該人士(不論是否與贈與人訂立交易的人士)真誠地並付出價值取得該物業。因此，若賣方/賣方之前的業權人曾藉送讓契形式接受物業的轉讓，而破產受託人基於上述的情況將該送讓契作廢，則該物業的業權或會受到不良影響。

由於購買涉及送讓契的物業有潛在問題，例如：買方可能無法取得任何或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，倘若物業現時的土地查冊顯示賣方持有物業少於五年，持牌人應就該物業進行過往及現時的土地查冊，以確定該物業是否有送讓契的註冊紀錄。

為保障其客戶的利益，倘若土地查冊顯示有送讓契的註冊紀錄而該送讓契的日期與土地查冊的日期相距少於五年，持牌人應如實告知客戶，並提醒客戶購買該等物業的潛在風險；以及建議客戶在訂立任何買賣協議前就買賣該物業的風險先尋求法律意見。

A deed of gift is an instrument which effects the transfer of legal ownership in a property from the owner (donor) by way of gift to the donee.

Under the Bankruptcy Ordinance (Cap. 6), a deed of gift may be set aside by the trustee in bankruptcy in cases where the donor is adjudged bankrupt and he has, during the period of five years ending with the day of the presentation of the bankruptcy petition on which the donor is adjudged bankrupt, made a gift or entered into a transaction receiving no consideration, unless the person, whether or not he is the person with whom the donor in question entered into the transaction, acquires the property in good faith and for value. Therefore, the title to a property may be adversely affected if a deed of gift in favour of the vendor/vendor's predecessor-in-title is so set aside by the trustee in bankruptcy.

In view of the potential problems of purchasing properties involving a deed of gift (for example, the purchaser may not be able to obtain any or sufficient mortgage loan to complete the purchase and/or to prove good title in the resale of the property), if the current land search reveals that the vendor has been the current registered owner of the property for less than five years, licensees should conduct a historical and current land search to see if there was any registration of a deed of gift against the property.

To protect their clients' interests, licensees should inform clients if there was any registration of a deed of gift within five years, alert them to the potential risks and advise 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.



# 活動紀要

## EVENTS AND ACTIVITIES

**2017-06-30**

監管局與主要業界商會代表舉行季度聯絡會議，介紹監管局的新措施及討論雙方共同關注的事項。

The EAA holds a quarterly liaison meeting with the representatives of major trade associations to introduce the EAA's new initiatives and discuss issues of mutual concern.



**2017-07-11**

監管局接待由法律教育基金舉辦的學生交流團，當中包括45名來自香港及內地多間大學的法律系師生。一眾學生對監管局代表的分享意猶未盡，並於問答環節中踴躍發問。



The EAA receives a student delegation organised by the Legal Education Fund comprising 45 law students and teachers from various universities in the Mainland and Hong Kong. The sharing by EAA representatives is well received and in-depth questions are asked during the Q&A session.

**2017-07-26**

監管局行政總裁韓婉萍女士(前排右三)出席香港房地產代理業聯會舉辦的慶祝香港回歸晚宴。

EAA Chief Executive Officer Ms Ruby Hon Yuen-ping (3<sup>rd</sup> right, front row) attends the Celebration Dinner for the Establishment of the HKSAR held by the Hong Kong Property Agencies Association.





### 2017-07-26 & 2017-08-08

監管局行政總裁韓婉萍女士分別接受新城電台及無綫電視訪問，回顧監管局的工作及簡介非住宅物業的新執業通告。

EAA Chief Executive Officer Ms Ruby Hon Yuen-ping attends interview by Metro Radio and TVB to review the work of the EAA and to introduce the new practice circular on non-residential properties respectively.



### 2017-09-14

監管局於九龍城區舉辦持牌人「聚焦小組」會議，與前線持牌人交流意見。

The EAA organises a focus group meeting with licensees in Kowloon City District and exchanges views with frontline licensees on their practice.

### 2017-09-16

監管局舉辦一場名為「投資非住宅 • 交易問與答」的公開講座。四位不同界別的講者與逾400位觀眾分享有關非住宅物業交易的資訊和錦囊。

The EAA holds a public seminar titled "Be Smart in Non-residential Property Transactions". Four speakers from different professions share with over 400 audiences information and tips on the transaction of non-residential properties.



# 統計數字

## STATISTICS

### 考試 EXAMINATIONS

#### 地產代理資格考試 ESTATE AGENTS QUALIFYING EXAMINATION

考試日期  
Examination date  
8/6/2017

應考人數  
No. of candidates

1,171

合格率  
Pass rate  
39.5%

#### 營業員資格考試 SALESPERSONS QUALIFYING EXAMINATION

考試日期  
Examination date  
21/8/2017

應考人數  
No. of candidates

1,331

合格率  
Pass rate  
37%

### 牌照數目 (截至2017年8月31日)

#### NUMBER OF LICENCES (AS AT 31/8/2017)



##### 營業員牌照

Salesperson's Licence

20,660



##### 地產代理(個人)牌照

Estate Agent's Licence (Individual)

17,504

##### 個人牌照總和

Total no. of individual licences



38,164

##### 地產代理(公司)牌照

Estate Agent's Licence (Company)



3,520

### 營業詳情說明書 (截至2017年8月31日)

#### NUMBER OF STATEMENTS OF PARTICULARS OF BUSINESS (AS AT 31/8/2017)



##### 合夥經營

Partnerships

204



##### 獨資經營

Sole proprietorships

1,628



##### 有限公司

Limited companies

4,891



##### 總數 Total

6,723

### 開立的投訴

(2017年1月至8月)

#### NUMBER OF COMPLAINT CASES OPENED

(JANUARY TO AUGUST 2017)



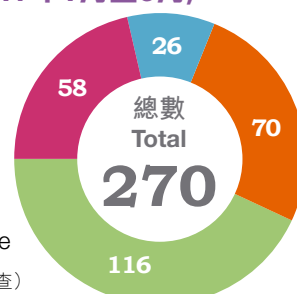
### 已處理的投訴個案結果\* (2017年1月至8月)

#### RESULTS OF COMPLETED COMPLAINT CASES\*

(JANUARY TO AUGUST 2017)

- 指稱成立 Substantiated
- 指稱不成立 Unsubstantiated
- 資料不足 Insufficient information to pursue
- 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)



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

## 巡查次數 (2017年1月至8月)

### NUMBER OF COMPLIANCE INSPECTIONS (JANUARY TO AUGUST 2017)



## 巡查發現主動調查的個案 (2017年1月至8月)

### NUMBER OF CASES ARISING FROM SELF-INITIATED INVESTIGATIONS DURING INSPECTIONS (JANUARY TO AUGUST 2017)

**49** 主動調查的個案  
Cases arising from self-initiated investigations

**49** 主動調查而指稱成立的個案\*  
Cases completed from self-initiated investigations and were substantiated\*

\* 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\* (2017年1月至8月)

### ACTIONS TAKEN AGAINST LICENSEES OR EX-LICENSEES\* (JANUARY TO AUGUST 2017)

有關的持牌人或前持牌人人數  
No of licensees or ex-licensees



#### 行動

#### ACTIONS TAKEN

訓誡/譴責  
Admonishment/  
reprimand  
**148**

罰款  
Fine  
**109**

於牌照附加/更改條件  
Attachment/ alteration of  
conditions to licence  
**122**

暫時吊銷牌照  
Suspension  
**17**

撤銷牌照  
Revocation  
**15<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 Estate Agents Ordinance. Some actions may be disciplinary in nature and others not, and they include the attachment of conditions to licences whether upon issuance or otherwise.

# 這些個案由牌照委員會裁定。理由是持牌人不再符合相關發牌條件。

These cases were decided by the Licensing Committee on the ground that the licensees concerned no longer meet the relevant licensing requirements.



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