

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"> • 守法合規 Regulatory and Legal Compliance • 有效管理及營運 Effective Management and Operations
全面提升發展 All-round Advancement	<ul style="list-style-type: none"> • 行業知識及市場資訊 Industry Knowledge and Market Update • 溝通及人際關係技巧 Communication and Interpersonal Skills • 營商及商業知識 Business and Commercial Knowledge • 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

- (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」。

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.

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

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

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。

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.

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）。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 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). 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.