

## 新聞速遞 News Flash

### 監管局董事局歡迎三名新成員上任

#### The Board of the EAA welcomed three new members aboard

香港特區政府早前宣布委任三名監管局董事局新成員，包括戴敏娜女士、許智文教授 MH 及黃永光太平紳士。三人任期由 2018 年 11 月 1 日至 2020 年 10 月 31 日為止。監管局董事局現時共有正、副主席各一名及 17 名來自社會上不同界別的一般成員，包括地產代理業界。有關監管局董事局成員的名單詳列於監管局網頁。

為歡迎董事局新成員及向卸任成員致謝，監管局於 2018 年 12 月 5 日舉行午宴，並由監管局主席梁永祥教授 SBS 太平紳士頒贈紀念水晶予四名卸任成員，包括鄒廣榮教授、張國鈞議員太平紳士、司徒惠貞女士及余惠偉太平紳士，以答謝他們對監管局董事局的貢獻。

The HKSAR Government has announced the appointment of three new EAA Board members: Ms Meena Datwani, Professor Eddie Hui Chi-man, MH and Mr Daryl Ng Win-kong, JP, with a term of office from 1 November 2018 to 31 October 2020. The EAA Board now consists of a Chairman, a Vice-chairman and 17 ordinary members from various sectors of the community, including the estate agency trade. The full list of the EAA Board members is published on the EAA's website.

A lunch was held on 5 December 2018 to welcome the new Board members and to say farewell to the retiring members. At the lunch, Professor William Leung Wing-cheung, SBS, JP, Chairman of the EAA, presented crystal trophies to the four retiring members, Professor Chau Kwong-wing, the Honorable Horace Cheung Kwok-kwan, JP, Ms Anna Seto Wai-ching and Mr Yu Wai-wai, JP, as a token of appreciation for their contributions to the EAA Board.



監管局董事局成員與監管局行政部門管理層合照。

A group photo of the EAA Board members with the management of the EAA Administration.

## 有關物業廣告的新執業通告

### New practice circular on property advertisements

鑑於公眾日益關注地產代理發出的物業廣告中之物業是否實存，以及廣告所載資料的準確性，監管局發出一份相關的新執業通告（編號 18-02 (CR)），就業界發出物業廣告提供進一步指引，該執業通告已於 2018 年 12 月 1 日生效。

根據新通告，除了在發出物業廣告前須先取得該物業的賣方/ 業主的書面同意，以及採取一切合理步驟核實該廣告所載資料的準確性之外，地產代理須就每一個發出廣告的物業編配一個獨有的識別編號（「物業編號」），並在廣告上清楚及可閱地述明物業編號及廣告日期。此外，地產代理公司須確保廣告所載的資料在廣告日期是準確及有效的。

另外，在有關的物業不再可供出售或租賃後或有關的地產代理協議終止後（兩者之中以較早者為準），地產代理公司須在切實可行的範圍內盡快將所有由其發出或安排發出的廣告移去。地產代理公司不可容許已過時的放盤資料在網絡空間、店舖櫥窗或其他宣傳渠道殘留多月或多年，而不將其移去。

監管局行政總裁韓婉萍女士表示：「所有廣告均為地產代理公司的資產。地產代理公司須為其發出的任何具誤導性或不準確的物業廣告負上主要的責任。他們不得從事或容許其僱員從事可能會誤導消費者的廣告宣傳手法，例如使用假盤或虛假的放盤價餌誘消費者。」

有關執業通告及「問與答」已上載於監管局網頁。監管局建議持牌人仔細閱讀，以了解更多詳情。

In regard to increasing public concern on the availability of properties and the accuracy of the particulars contained in the advertisements issued by estate agents, the EAA issued a relevant new Practice Circular (No. 18-02 (CR)) which sets out further guidelines to the trade on the issuance of property advertisements. This new Circular has taken effect from 1 December 2018.

According to the new Circular, in addition to obtaining the prior written consent of the vendors/ landlords and taking all reasonable steps to verify the accuracy of the information contained in the advertisements before issuance, estate agency companies must assign a unique identification number ( "Property Number" ) to each property to be advertised and state clearly and legibly the Property Number as well as the Advertisement Date on the advertisement. Moreover, estate agency companies must ensure that all information contained in the advertisements is accurate and valid as at the Advertisement Date.

Furthermore, advertisements should be removed as soon as is practicable after the property concerned is no longer available for sale or leasing, or the termination of the estate agency agreement concerned (whichever is the earlier). Estate agency companies must not allow obsolete listing information to float around cyberspace or remain on shop windows or other advertising channels for months or years without removing them.

The EAA Chief Executive Officer Ms Ruby Hon Yuen-ping said, "All advertisements are the assets of the estate agency companies. Estate agency companies are primarily liable for the property advertisements issued by them. They must not engage in, or allow their employees to engage in, advertising tactics which may mislead consumers, such as using sham listings or fake listing price to lure consumers."

The Practice Circular and a set of "Questions and Answers" have already been posted on the EAA's website. Licensees are advised to read them for more information.

### 一手住宅物業銷售點秩序的新指引

#### New guidelines on order at first-sale sites

地產代理於一手樓盤銷售點保持良好的秩序是非常重要的，這樣才可向消費者提供良好的銷售環境及提升地產代理的專業形象。為進一步改善地產代理於一手樓盤銷售點的秩序，監管局於 2018 年 10 月發出了一份新的執業通告（編號 18-03(CR)），並已於 2018 年 12 月 1 日生效。

監管局行政總裁韓婉萍女士表示：「自一手住宅物業銷售約章訂立後，一手樓盤銷售點的秩序已有明顯的改善。雖然如此，我們仍然見到一些不理想的個別事件，故此仍有進一步改善的空間。」新通告的指引將加強對地產代理公司及其管理層就有效監督和管理其調派往一手樓盤銷售點的員工的問責。

根據該執業通告，地產代理公司不得調派非持牌員工到一手樓盤銷售點進行任何形式的推廣活動。地產代理公司亦須委任一名總樓盤監督以監督和監察所有被調派往一手樓盤銷售點工作員工的秩序及行為。該總樓盤監督必須持有地產代理（個人）牌照最少十年，並已擔任管理職位最少五年；或為地產代理公司的獨資經營者/合夥人/董事。此外，總樓盤監督不可在獲委任為總樓盤監督前的最後三年內曾被紀律處分。

有關執業通告、相關「問與答」及表格範本已上載於監管局網站，持牌人應詳細閱讀。局方會教育業界，讓他們能夠遵從相關指引。

It is important for estate agents to maintain good order in conducting promotional activities at first-sale sites for the sake of providing a good sales environment for consumers and enhancing the professional image of estate agents. To further improve the estate agents' order at the first-sale sites of residential properties, the EAA issued a new Practice Circular (No. 18-03(CR)) in October 2018 and it has taken effect from 1 December 2018.

“We have seen improvement in the order at first-sale sites since the launch of the Charter, however there is room for betterment as there are still individual undesirable incidents.” said Ms Ruby Hon Yuen-ping, Chief Executive Officer of the EAA. The guidelines of the new Circular will strengthen the accountability of estate agency companies and their management regarding the effective supervision and management of their employees deployed to the first-sale sites.

According to the new Circular, estate agency companies must not deploy non-licensed staff to the first-sale sites for any form of promotional activities. Estate agency companies are also required to appoint a Commander-in-Chief (“CIC”) to monitor and oversee the order and conduct of all staff deployed to the first-sale sites, who must be a holder of an estate agent's licence (individual) for a period of at least 10 years and has been working in a managerial role for at least five years; OR is a sole-proprietor/partner/director of the estate agency company. Furthermore, the CIC must not have been subject to any disciplinary action by the EAA within the last three years prior to his/her appointment as CIC.

The Practice Circular, related Q&As and sample forms are available on the EAA website and licensees are advised to read them in detail. The EAA will educate the trade on the new Circular so that they can fully comply with the new guidelines.

### 《香港家書》

## 地產代理監管局主席梁永祥教授 SBS 太平紳士一 更新執業指引 規管地產代理質素

地產代理監管局主席梁永祥教授早前獲香港電台節目《香港家書》邀請，分享他對香港地產代理執業的看法。

《香港家書》每集邀請學者、議員、官員及社會人士透過書信形式，分析社會現象，細訴個人感受。

節目重溫：[www.rthk.hk/radio/radio1/programme/hkletter/episode/534510](http://www.rthk.hk/radio/radio1/programme/hkletter/episode/534510) (只有中文版)

親愛的 Lydia:

收到你的電郵，知道你準備明年回流香港，用多些時間照顧你香港的父母。你在溫哥華經營地產代理生意都有相當日子，希望回港後做回老本行，我作為香港地產代理監管局主席，當然是非常歡迎。

除了要考取香港的牌照之外，有很多地方你是要留意的。你問我地產代理是否斯文人做的工作，為何會有代理在新樓盤銷售處打架，又問我這些消息是否真的，我很遺憾告訴你，真的確有其事。

不過，你不用擔心，監管局一直有採取多種措施、包括巡查及發出指引，去監察代理推銷一手樓的銷售秩序和操守。不久之前，監管局更加與 32 間發展商訂立一手住宅物業銷售約章，禁止地產代理公司的無牌員工參與推銷，同時會懲罰不守規矩的地產代理及僱用他們的公司。約章推出之後，銷售處的秩序明顯有所改善，亦有發展商對不守規矩的代理罰款或停止他們在新樓盤的業務。只是仍有個別不理想事件發生，被傳媒所報道，所以你在網上亦會看到。

對這些不文明不名譽的問題，監管局當然失望，你問我監管局會否處罰違規員工的僱主及公司，答案是有機會的，因為地監局真是相信有地產代理公司管理銷售人員唔夠嚴格。為了針對這個問題，局方在數日前發出左一份新的指引，規定地產代理公司絕對不可以調派無牌員工去一手樓盤銷售點做推廣活動，亦規定公司須委任一名總樓盤監督，以監察被派往一手樓盤銷售點的員工的秩序及行為。

前線員工違規，監管局會追究總樓盤監督及公司管理層的責任。所以，如果你日後在香港開地產代理公司，打算加入銷售一手樓，就要好好管理員工了。監管局的方針一向本着給予地產代理業界一定的營商空間，希望他們能自律及培訓員工。但面對教而不善的，我們逼不得已加重懲罰，才有警惕作用及對守法循規的代理公平。

最近，就有一些涉及一些嚴重違規個案的地產代理，被監管局暫時吊銷牌照超過三個月，又或者被罰款十多二十萬元。作為監管機構，監管局從來不喜歡處罰代理，所以監管局一向勇於發出指引，一方面教育業界，一方面預防代理不知不覺地犯規，監管局最希望永遠不用召開聆訊，既可減輕工作量又節省開支。但實際情況與理想仍差很遠，對於一些嚴重的違規，紀律委員會有需要判一個與置業人士遭受的損失對稱的罰則，這樣才對得住被代理的失職造成損失的置業人士。假如代理或其公司不服，可以提出上訴，但我認為更有建設性的，是公司應檢討一下如何管教好旗下代理，保障公司聲譽，亦避免自身因監管不力而受罰。

監管局雖然嚴肅執法，但你可以絕對放心，監管局不會亂開檔案找地產代理麻煩。每次審案完畢都會刊登理據方便代理知悉，引以為鑑並從中學習，避免重蹈別人覆轍。

對於你擔心的競爭問題，我認為香港地產代理業和其他專業一樣，競爭都是激烈的，但我仍然相信只要有誠信有策略，本着「君子愛財，取之有道」的原則，你將開立的小型地產代理行亦大有可為，事實上，小型地產代理行的成功例子亦有很多。

我絕對相信顧客的眼光是雪亮的，用心用誠信服務的地產代理行，最後一定會是贏家，那些用旁門左道，用暴力做生意的代理一定會被淘汰。

最後祝你大展鴻圖，駿業宏開。

Uncle William  
2018 年 10 月 27 日

## 新聞速遞 News Flash

### 監管局職員獲頒發「2018 申訴專員嘉許獎」 EAA's staff received "The Ombudsman's Awards 2018"

監管局兩名職員獲頒發「2018 申訴專員嘉許獎 – 公職人員獎」，表揚他們處理查詢時的專業表現和積極態度。

申訴專員嘉許獎頒獎典禮已於 2018 年 11 月 2 日舉行。監管局牌照部張雅芝女士與投訴及行動部林沛琪女士，憑藉着處理查詢時的出色表現，分別獲頒發「公職人員獎」，成為以積極正面的態度服務大眾的好榜樣。

Two EAA staff received "The Ombudsman's Awards 2018" for "Officers of Public Organisations" in recognition of their professionalism and positive attitude in enquiries handling.

The Ombudsman's Awards Presentation Ceremony was held on 2 November 2018. With the outstanding performance in handling public enquiries, Ms Annie Cheung from the Licensing Section and Ms Pinky Lam from the Complaints and Enforcement Section, received individual awards from The Ombudsman and set good examples by adopting a positive attitude to serve the public.



張雅芝女士(右)從申訴專員劉燕卿女士手中接過獎座。  
Ms Annie Cheung (right) received the award from The Ombudsman, Ms Connie Lau.

申訴專員劉燕卿女士(左)頒贈獎座予林沛琪女士。  
Ms Connie Lau (left), The Ombudsman, presented the trophy to Ms Pinky Lam.

