

### 一手住宅物業銷售約章

### Charter on the sales of first-hand residential properties

為改善地產代理於一手住宅物業銷售處、示範單位及其附近的銷售秩序，地產代理監管局（「監管局」）與發展商達成共識，並於7月訂立一手住宅物業銷售約章（「約章」）。超過20名參與約章的發展商代表出席於2018年7月11日舉行的約章公布儀式。截至2018年7月27日，共有32家發展商簽署了約章。

In order to improve the sales order of estate agents at the sale-sites and show flats of first-hand residential properties and their vicinity, the Estate Agents Authority ( "EAA" ) has reached an agreement with developers and issued a charter on the sales of first-hand residential properties in July. Over 20 representatives of participating developers attended the announcement ceremony held on 11 July 2018 at the EAA office. As of 27 July 2018, a total of 32 developers have signed the Charter.



一眾發展商代表與地產代理監管局主席梁永祥教授 SBS 太平紳士（前排左六）及行政總裁韓婉萍女士（前排右六）於一手住宅物業銷售約章公布儀式上合照。

EAA Chairman Prof. William LEUNG Wing-cheung, SBS, JP (sixth from left of front row) and Chief Executive Officer Ms Ruby HON Yuen-ping (sixth from right of front row) with the representatives of developers at the announcement ceremony for the Charter.

根據該約章，參與的發展商承諾將為消費者提供理想的銷售環境，不准許地產代理公司的無牌員工到銷售處附近從事任何宣傳、推廣或銷售活動，並會嚴厲譴責任何不守規矩、沒有禮貌、滋擾、不當或暴力行為，同時會向涉事的地產代理公司及相關員工採取嚴懲措施。

除推出上述約章，監管局亦採取了一系列行動，包括加強巡查以改善一手住宅物業銷售處的秩序。此外，監管局已著手研究加重對涉及相關違規的代理及其公司的處分。

According to the Charter, participating developers pledge to provide consumers with a desirable sales environment. They will not allow any unlicensed employees of estate agency companies to participate in any promotional or sales activities nearby the sale-sites. They will also strongly condemn any unruly, impolite, harassing, improper or violent behaviours and will take strong punitive actions against the estate agency company(ies) involved and its/their concerned employee(s).

As well as launching the Charter, the EAA has also stepped up inspections to improve the order at the sale-sites. Moreover, the EAA has started to study increasing its sanctions imposed on agents and their companies on relevant non-compliances.

## 監管局回顧 2018 年上半年工作 EAA's half year review 2018

監管局於 2018 年 7 月 30 日舉行新聞發布會，回顧監管局在 2018 年上半年的工作，並簡介下半年的工作重點。

監管局在 2018 年上半年共接獲 169 宗投訴個案，比去年同期減少 8%。部分常見投訴類別錄得改善，例如「提供不準確或具誤導性的物業資料」及「發出違規廣告」。然而，有關「誤導按揭資料」及「未有履行有關回贈承諾」的投訴數字則有所增加。

監管局在 2018 年上半年共對 162 名持牌人採取行動或作出處分，包括撤銷了 26 個牌照及暫時吊銷 13 個牌照。

另一方面，2018 年上半年參加營業員資格考試的考生人數減少 21%，而參加地產代理資格考試的考生人數則微升 4%。至於個人牌照及公司牌照數字，截至 2018 年 6 月 30 日，分別錄得新高至 39,298 及 3,709 個。

The EAA held a press conference on 30 July 2018 to review its work in the first half of 2018 and introduce initiatives for the second half.

The EAA received a total of 169 complaints in the first half of 2018, a decrease of 8% compared to the same period of last year. Improvements were found in some of the most common categories of complaints such as “providing inaccurate or misleading property information” and “issuing non-compliant advertisements”. However, complaints regarding “misleading information on mortgage” and “failing to honour the promise of offering incentives” had increased.

The EAA has taken action or imposed sanctions on a total of 162 licensees in the first half of 2018. A total of 26 licences were revoked and 13 licences were suspended.

Separately, a decrease of 21% in the number of candidates sitting the Salespersons Qualifying Examination and a rise of 4% in the number of candidates sitting the Estate Agents Qualifying Examination were recorded in the first half of 2018, whereas the number of individual licences and company licences both reached new record highs of 39,298 and 3,709 as of 30 June 2018 respectively.

## 新聞速遞 News Flash

踏入 2018 年下半年，監管局會繼續密切監察地產代理銷售一手住宅物業的情況，同時將會收緊相關指引，及加重對違規代理及其公司的處分。

至於有關地產代理未有履行有關回贈承諾的問題，局方將考慮於 2018 年下半年推出一份新執業通告，以提供更詳盡指引供業界遵循。

此外，監管局會加強對業界就反洗錢及反恐怖分子資金籌集方面、尤其是對客戶進行盡職審查及備存紀錄方面的教育工作。監管局也會加深資格考試的難度，以提升加入地產代理業人士的質素。

Stepping into the second half of 2018, the EAA will continue to monitor closely the practice of estate agents in the sale of first-hand residential properties. The EAA will strengthen the relevant guidelines and impose heavier sanctions on non-compliant agents and their companies.

On the issue of estate agents' failing to honour the promise of offering incentives, the EAA will consider issuing a new practice circular in the second half of 2018 to provide more detailed guidelines for the trade to follow.

In addition, the EAA will strengthen education for the estate agency trade on the subject of anti-money laundering and counter-terrorist financing, especially the procedures on performing customer due diligence for their clients and record keeping. The EAA will also raise the level of difficulty for qualifying examinations to enhance the quality of newcomers to the estate agency trade.



監管局主席梁永祥教授 SBS 太平紳士及行政總裁韓婉萍女士於新聞發布會上回顧局方在 2018 年上半年的工作，並簡介下半年的工作重點。

EAA Chairman Prof. William Leung Wing-cheung, SBS, JP and Chief Executive Officer Ms Ruby Hon Yuen-ping review the EAA's work in the first half of 2018 and introduce its initiatives for the second half at the press conference.

### 監管局於柴灣購置新辦公室 EAA acquires new office in Chai Wan

監管局於柴灣購入首個自置辦公室，約有一半的後勤員工於 2018 年 8 月遷往柴灣辦事處，其他前線部門員工則留於灣仔辦事處為公眾及持牌人提供服務。而灣仔辦事處的租用面積將於十月底完成復修工程後相對應減少。是次購買辦公室能減少監管局目前的租金開支及降低未來租金上升對整體營運成本所帶來的壓力。

The EAA has acquired for the first time an office in Chai Wan. Around 50% of EAA back office staff moved to the office in Chai Wan in August 2018 while the other staff that provide frontline services to the public and licensees remain at the Wan Chai office of which the rental space will be reduced accordingly by end of October 2018 after reinstatement. The acquisition of a permanent office will help reduce EAA's current rental expenses and the pressure of future rental increase on the overall operation costs.

### 有關反洗錢執業通告的更新「問與答」及聯絡會議 Updated "Questions and Answers" related to Practice Circular on anti-money laundering and related liaison meetings

監管局已於 2018 年 8 月 22 日更新與「有關地產代理業遵守反洗錢及反恐怖分子資金籌集規定的指引」執業通告（編號 18-01(CR)）相關的「問與答」。

The EAA has updated the "Questions and Answers" related to Practice Circular No. 18-01 (CR) titled "Guidelines on Compliance of Anti-Money Laundering ( "AML" ) and Counter-Terrorist Financing Requirements for the Estate Agency Sector" on 22 August 2018.

監管局建議持牌人透過本局網站閱讀已更新的「問與答」：[www.eaa.org.hk/Portals/0/Sections/LGA/Circular/18-01\\_CRC\\_QA.pdf](http://www.eaa.org.hk/Portals/0/Sections/LGA/Circular/18-01_CRC_QA.pdf)

Licensees are advised to read the updated "Questions and Answers" available on the EAA website: [www.eaa.org.hk/Portals/0/Sections/LGA/Circular/18-01\\_CRE\\_QA.pdf](http://www.eaa.org.hk/Portals/0/Sections/LGA/Circular/18-01_CRE_QA.pdf)

監管局同時鼓勵持牌人經常閱覽本局網站內的「反洗錢資訊專區」，以獲取有關反洗錢的最新資訊：[www.eaa.org.hk/zh-hk/Licensees/Anti-Money-Laundering-AML-Corner](http://www.eaa.org.hk/zh-hk/Licensees/Anti-Money-Laundering-AML-Corner)

Licensees are also encouraged to visit the "AML corner" at the EAA website frequently to receive the most updated news about AML: [www.eaa.org.hk/en-us/Licensees/Anti-Money-Laundering-AML-Corner](http://www.eaa.org.hk/en-us/Licensees/Anti-Money-Laundering-AML-Corner)

監管局也就反洗錢議題定期與業界舉行聯絡會議。此外，監管局與業界商會代表也於 2018 年 9 月 13 日出席由政府舉辦的財務行動特別組織相互評估簡介會。

Liaison meetings with the trade on the subject of AML have also been held regularly. In addition, both the EAA and trade representatives attended the FATF Mutual Evaluation briefing session organised by the Government on 13 September 2018.

### 一手住宅物業銷售監管局的更新資料

#### Update from the Sales of First-hand Residential Properties Authority

一手住宅物業銷售監管局（「銷售監管局」）已於 2018 年 7 月 25 日就售樓說明書須提供開放式廚房的消防裝置及設備的資料發出新的售樓說明書常見問答，即常見問答第 16.7 題。

根據銷售監管局資料，由 2018 年 11 月 1 日起，賣方須在售樓說明書內「裝置、裝修物料及設備」的章節，描述安裝在開放式廚房內或附近的消防裝置及設備，包括煙霧探測器及消防花灑頭。

地產代理監管局建議各持牌人瀏覽該局網頁 ([www.srpa.gov.hk](http://www.srpa.gov.hk)) 閱讀上述新增的常見問答。

The Sales of First-hand Residential Properties Authority ( "SRPA" ) has issued a new frequently asked question and answer ( "FAQ" ) on sales brochure regarding the requirement of setting out information in respect of fire service installations and equipment for open kitchen, i.e. FAQ 16.7 on 25 July 2018.

According to the SRPA, with effect from 1 November 2018, vendors are required to set out under the section of "Fittings, Finishes and Appliances" in a sales brochure the description of the fire service installations and equipment fitted in or near open kitchen, including smoke detector and sprinkler head.

Licensees are advised to read the abovementioned new FAQ at the SRPA's website ([www.srpa.gov.hk](http://www.srpa.gov.hk)).

### 地政總署有關涉及寮屋交易之提醒

#### Reminder from Lands Department on transactions involving squatter structures

地政總署早前發信予監管局，提醒持牌人有關購買或租賃登記寮屋或非法寮屋之土地的風險。

地政總署表示，登記寮屋並不享有土地的業權，它們只是暫時被允許。購買或租賃登記寮屋或非法寮屋不受法例保障，其佔用人亦不會被賦予任何權利。

因此，持牌人應建議客戶在作出購買／租賃決定前，先徵詢獨立專業人士意見，以了解清楚有關土地及其構築物的法律地位，及倘若政府就有關非法構築物進行執法行動時將可能面對的風險或法律責任。

The Lands Department has recently issued a letter to the EAA reminding licensees on the risks of purchasing or renting land involving surveyed squatter structures or unauthorised squatter structures.

According to the Lands Department, surveyed squatter structures carry no legal title to the land. They are temporarily tolerated. The purchase or renting of surveyed squatter structures or unauthorised squatter structures is not protected by law nor does it confer any right on the persons occupying therein.

Hence, licensees are reminded to advise their clients, before making a purchase/renting decision, to seek independent professional advice on legal status of the land and the structures thereon and on their exposure to risk or liabilities in the event of enforcement action by the Government against unauthorised or unlawful structures.