

# 小心向客戶提供 按揭資訊

Be prudent when providing mortgage information to clients



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“ 監管局已和業界代表研究如何向業界提供支援，但所有建議最終都要經過監管局的董事局及委員會（包括有業界代表在內）的詳細討論和審慎考慮。 ”

“ The EAA and trade representatives have been discussing how to provide support to practitioners. Yet, all proposals will ultimately require detailed deliberation and careful consideration by the EAA Board and committees, which members include trade representatives. ”

## 明白業界困難

### Understanding the difficulties of the trade

監管局一直與業界保持積極溝通，過去兩個月與商會代表舉行了兩次聯絡會議，以及與前線從業員舉行聚焦小組會面。目的是了解業界的執業情況，及聆聽業界的意見。

筆者和監管局都明白，近月地產代理業界生意受到影響，亦理解從業員面對困難，因此也理解有業界人士提出希望得到牌費減免。筆者希望在此向各位持牌人解釋一下，局方並非無意提供支援或協助，但實際空間真的極為有限。

首先，監管局是一個自負盈虧的機構，和其他政府部門或一些法定機構不同，我們並沒有政府的資助，財力有限。監管局的法定收入及營運資金的主要來源，就是牌照費用。假若持牌人數下跌，局方的總收入便會相應減少。因此，我們必須謹慎理財，以確保萬一牌費收入一旦減少，局方仍然有足夠的營運資金，履行法定規管工作，而不用增加牌費補貼收入。

不少持牌人可能會記得，監管局曾在 2008 年作出一次半年牌費寬免。筆者當時已在監管局工作，清楚知道該次寬免其實大大影響了局方的財政狀況，當時之儲備被大幅減少一半，需要數年時間才可追回。

值得注意的是，近期持牌人數一直出現下跌情況，假如跌勢持續，局方收入將難免受到影響。因此，若現時寬減牌費，一年後局方一方面因持牌人數下跌導致收入減少，另一方面又因寬減牌費而令財政儲備少了一大截的話，局方便有機會出現財困，甚至可能需要增加牌費。換句話說，這變相由到時仍留在行內的持牌人去分擔這次牌費寬減的代價，此舉對監管局或持牌人雙方都沒有好處。

最近，監管局已和業界代表研究如何向業界提供支援，但所有建議最終都要經過監管局的董事局及委員會（包括有業界代表在內）的詳細討論和審慎考慮。筆者希望各位持牌人理解，局方會盡力研究有否可行方案，抱歉暫時未能給大家任何承諾。

All along, the EAA has been actively communicating with the trade. In the past two months, we held two liaison meetings with representatives from trade associations and a focus group meeting with frontline practitioners. The purpose is to understand the practice of the trade and listen to their opinions.

The EAA appreciates that the business of the estate agency industry has been affected in recent months and the difficulties faced by practitioners. Hence, we understand that some trade members have voiced that they would like to have a licence fee concession. Here, I would like to explain to all licensees that it is not that the EAA is unwilling to provide support or assistance, but the actual room for doing so is really extremely limited.

First, the EAA is a self-financing organisation and it does not have any government funding support like other government departments or some statutory organisations. Our financial resources are limited. Licence fees are the main source of statutory revenue and operating capital of the EAA. If the number of licensees drops, the total revenue of the EAA will decrease accordingly. We must therefore manage our finances prudently so as to ensure that in the case of a fall in our licence fee income, the EAA could still have sufficient operating capital to discharge its statutory regulatory duties without looking for an increase in the licence fees to subsidise its shortfall.

Many licensees may remember that the EAA had granted a half-year licence fee concession back in 2008. At the time, I had already joined the EAA and clearly observed that the concession had substantially impacted the EAA's financial situation. The financial reserve then was greatly reduced by half and it took a number of years to recover.

It is worth noting that the number of licensees has been dropping recently. If the decline continues, the EAA's revenue will inevitably be affected. Therefore, if we make any licence fee concession now, the scenario in a year's time could be like, the EAA's revenue will be reduced on one hand due to a decline in the number of licensees and, on the other, its fiscal reserve would have largely shrunk due to the licence fee concession. Under such circumstance, the EAA will possibly face financial difficulties and may even have to raise its licence fees. In other words, those licensees who remain in the industry at that time will have to bear the cost of the licence fee concession, which is not in the interest of both the EAA and its licensees.

Recently, the EAA and trade representatives have been discussing how to provide support to practitioners. Yet, all proposals will ultimately require detailed deliberation and careful consideration by the EAA Board and committees, which members include trade representatives. I hope that licensees can understand that the EAA will make every effort to study whether there is a feasible solution, but we regret we are unable to make any promises for the time being.



## 小心向客戶提供按揭資訊 Be prudent when providing mortgage information to clients

為協助首次置業人士購買物業，政府於《2019年施政報告》中公布就香港按揭保險有限公司所提供的按揭保險計劃作出修訂，放寬向首次置業人士（「首置人士」）提供按揭保險的樓價上限。

香港金融管理局（「金管局」）於2015年曾收緊合資格住宅物業可承造的按揭成數，由最高可承造九成的按揭成數下調至八成，有固定收入及還款能力較強的首置人士除外。而於新修訂的按揭保險計劃下，首置人士如欲購入物業價格為四百萬元至八百萬元的合資格物業，可獲該計劃所提供的九成按揭。

In order to assist first-time home buyers to purchase property, a new amendment regarding the Mortgage Insurance Programme of the Hong Kong Monetary Corporation Insurance Limited on raising the cap on the value of the properties eligible for a mortgage loan for first-time home buyers was announced in the *Policy Address 2019*.

Back in 2015, the Hong Kong Monetary Authority (“HKMA”) reduced the insurance cover for eligible residential properties from maximum 90% Loan-to-Value (LTV) ratio to 80% except for those first-time home buyers with regular salary and stronger repayment ability. Under the newly revised Mortgage Insurance Programme, a first-time home buyer would be granted a mortgage loan of 90% of the purchase value if he/she purchases an eligible property of value between \$4,000,000 and \$8,000,000.

新修訂的計劃實施後，對首置人士而言，他們的置業選擇得以增加，即使樓價較高的物業也有機會承造九成按揭，市場交投亦有回暖的跡象。在這情況下，可能會多了客戶向代理查詢有關按揭資訊。監管局希望提醒各位持牌人，切勿為心急促成交易而向客戶作出任何失實或具誤導性的陳述，尤其不得就可承做的按揭貸款額或按揭條款作出任何保證。由於按揭成數是購買物業的關鍵因素之一，地產代理向客戶提供任何按揭資訊時必須小心謹慎。

After the implementation of the new amendment, first-time home buyers have more choices in selecting a property as they may obtain mortgage of up to 90% loan to value for higher price properties. The property market also appears to be picking up again. As such, estate agents may receive more enquiries on mortgages from clients. The EAA would like to remind licensees that they must not make any misrepresentations or misleading statements, especially they must not assure their clients on the amount of the mortgage loan their clients may obtain or make any guarantees on the terms of the mortgage loan. As the mortgage is one of the crucial factors in making a purchase decision, estate agents must be very prudent when providing any mortgage information to clients.

### 遵守指引 切勿違規 To comply with the guidelines

倘若地產代理向準買家解說任何有關按揭及貸款計劃的資料時，有關解說必須完全根據銀行及財務公司或賣方所提供的資料，並採取一切合理步驟及盡一切應盡的努力核實該等資料。任何持牌人在沒有合理基礎下向客戶



作出有關按揭貸款的陳述，有可能會違反《操守守則》第 3.4.1 段，即：「作為代理或受委託為代理的地產代理和營業員，應保障和促進客戶的利益、按照地產代理協議執行客戶的指示，並對交易各方公平公正。」

有時候，部分買家因為「上車」心切，忽略了相關的物業按揭措施，結果到申請按揭時才發現自己不合資格申請心儀的按揭貸款計劃而大失預算，甚至不能完成交易而被沒收訂金。所以，地產代理不應輕率回答客戶有關按揭的查詢，反而應建議買家向相關金融機構查詢最新按揭資訊及諮詢財務意見。

If estate agents provide any information or advice on mortgages or financing schemes to prospective purchasers, their explanation must be solely based on the information provided by banks and finance companies, or the vendors concerned, and they must take all reasonable steps and exercise all due diligence to ensure that such information is accurate. Any licensees who make a representation about a mortgage loan without proper basis may have failed to comply with

paragraph 3.4.1 of the *Code of Ethics*, which stipulates: “Estate agents and salespersons shall, in the course of business, provide services to clients with honesty, fidelity and integrity. They should protect their clients against fraud, misrepresentation or any unethical practices in connection with real estate transactions.”

Some purchasers might be too eager to buy a property and may have overlooked the related issues on property mortgages. When they realise that they are not qualified to apply for the mortgage scheme they prefer, it might be too late and their deposit could be forfeited when they fail to complete the transaction. Therefore, estate agents should not hastily reply to their clients’ inquiries on mortgage information. Instead, they should advise their clients to make direct enquiries and seek financial advice from the related financial institutions on the most updated mortgage information.

### 按揭貸款政策不時更新

#### Mortgage loan policy may be adjusted from time to time

根據監管局《操守守則》第 3.2.2 段，地產代理和營業員應掌握有關的一切法律、政府規例，及地產市場的重要事實和發展，以便能盡責地向客戶提供意見。而事實上，政府或金管局會不時因應市況更新有關按揭貸款的指引或收緊對某些人士或某類物業的供款比率和貸款成數。因此，持牌人應定期留意相關新聞及最新消息以掌握最新情況。

Paragraph 3.2.2 of the *Code of Ethics* issued by the EAA stipulates: “estate agents and salespersons should keep themselves informed of any laws, government regulations, essential facts and developments in the real estate market in order to be in a position to advise their clients in a responsible manner.” In fact, the government or HKMA will update the guidelines on mortgage loans or tighten the debt to income ratio and the maximum LTV ratio for certain persons or properties from time to time according to the market situation. Therefore, licensees should always pay attention to the related and latest news of the market regularly.

### 審批按揭因人而異

#### Every mortgage loan application is not the same

同時，銀行及金融機構在審批按揭申請時，除了考慮金管局的壓力測試和「供款與入息比率」的上限外，也會考慮不同因素，例如申請人士的收入來源及其財政狀況。一般而言，自僱、非固定收入和退休人士都較難獲批貸款；另外，物業的類型、是否註有產權負擔，以致該物業是用作自住用途，抑或用作投資收租等，也是審批貸款會考慮的因素。

When processing mortgage loan applications, banks and financial institutions will consider the stress test result and the debt-to-income (DTI) ratio by HKMA, as well as other factors such as the income source and financial situation of the applicants. Generally speaking, approval is not as easy for loan applications from self-employed persons, non-regular salaried and retired persons. In addition, there are also other factors for consideration, including the type of property, any existence of encumbrances and whether the property is owner-occupied or for investment.

再者，樓價可能因市場的突然波動而有所升跌，物業所承做的按揭成數亦取決於個別銀行的估價而非物業的成交價。一些所謂「另類物業」或者「凶宅」，便有可能因估價不足而只批出較低的貸款金額，甚至不獲審批按揭。在這些情況下，地產代理更加應該建議客戶在作出購買決定前，親自向銀行或貸款機構查詢，以評估有關物業可以獲批的按揭成數。

Furthermore, the property price may fluctuate due to an unpredictable market situation and the approved amount of mortgage loan will be subject to the bank's valuation of the property instead of the transaction price. Some so-called “special properties” or “haunted flats” may get a lower valuation which leads to a lower mortgage loan amount, or even be rejected from the mortgage application. Under these circumstances, estate agents should particularly urge their clients to check with banks or financial institutions prior to making the purchase decision, so as to evaluate the amount of mortgage loan they can receive.

總括而言，置業涉及龐大金額，作為專業的地產代理，為保障客戶利益，避免他們因為「撻訂」而蒙受損失，便應該提醒客戶在決定購入物業前，先評估自身的財務狀況及還款能力，並直接諮詢銀行或專業人士，以確定能獲得所需的按揭貸款以購買物業，切忌向客戶就按揭貸款額或按揭條款作出任何失實陳述或保證。否則，不但有可能被客戶投訴而影響信譽，更有機會違反《操守守則》。

To conclude, as purchasing a property involves a substantial sum of money, a professional estate agent should protect his/her client's interest from any loss due to forfeiting the deposit. They should remind their clients to review their own financial situation and repayment ability prior to purchasing the property; and should ask them to consult directly with banks or professionals to ascertain whether they are able to obtain the necessary mortgage loan for purchasing the property. Most importantly, they should never assure their clients that they will be able to obtain the mortgage loan they need, or make any guarantees or provide misleading information on the amount or terms of the mortgage loan. Otherwise, not only would their reputation may be jeopardised by the client's complaints, they may also violate the *Code of Ethics* issued by the EAA.

### 「改建有風險 租買要留神」公開講座

#### Public seminar titled “Be alert when renting or purchasing properties with alteration works”

監管局於 2019 年 9 月 28 日舉行了一場名為「改建有風險 租買要留神」的公開講座。來自不同專業範疇的講者向近 150 名觀眾分享有關購買或租用附有改建工程物業的潛在風險。

是次講座於九龍塘生產力大樓會議廳舉行，由資深傳媒人胡國威先生擔任主持。講者包括：香港測量師學會建築測量組主席謝志堅測量師、黃馮律師行合夥人莊富全律師、創興銀行總經理及個人銀行部主管鍾少權博士，以及監管局投訴及行動部主管陳汝傲律師。

講者們從不同角度分享他們對租買附有改建工程的物業之看法，例如改建工程會如何影響物業的估價或按揭申請的結果，以及有關持牌地產代理處理此類物業的投訴個案等。

講座以問答環節作結，觀眾反應熱烈。是次公開講座的精華錄影片段已上載至監管局網頁及 YouTube 頻道。

A public seminar titled “Be alert when renting or purchasing properties with alteration works” was held by the EAA on 28 September 2019. Speakers from different professions shared with an audience of around 150 their insights on the possible risks when renting or purchasing properties with alteration works.

Hosted by Mr Wu Kwok-wai, a veteran journalist, the public seminar was held at the Conference Hall of the Hong Kong Productivity Council in Kowloon Tong. Speakers included Sr Kenny Tse Chi-kin, Chairman, Building Surveying Division of The Hong Kong Institute of Surveyors, Mr Chong Fu-chuen, Partner of Wong, Fung & Co. Solicitors, Dr Derek Chung Siu-kuen, General Manager & Head of Personal Banking Division of Chong Hing Bank, and Mr Chan U-keng, Head of Complaints and Enforcement Section of the EAA.

The speakers shared their insights on different aspects of purchasing or renting properties with alteration works, e.g. how alteration works may affect the results of bank valuations or mortgage loan applications and complaint cases against licensed estate agents related to the topic.

The seminar ended with a “Questions and Answers” session which was enthusiastically received by the audience. Video highlights of the seminar are now available on the EAA’s website and its YouTube channel.



### 「區區有『理』社區服務建議比賽」入圍名單

#### Shortlist of Estate Agents Community Service Proposal Competition

為了鼓勵持牌人服務其社區，監管局於2019年8月推出「區區有『理』社區服務建議比賽」。是次比賽獲得地產代理業界的支持參與，共有超過20個隊伍遞交建議書參賽。建議書內容廣泛涵蓋多種社區服務，包括服務長者、弱勢社群，以至推廣環保等，反映出業界對社區的關懷及用心。



In order to encourage licensees to serve their community, EAA launched the Estate Agents Community Service Proposal Competition in August 2019. With the positive response from the estate agency trade, over 20 teams submitted their proposals. The proposals cover a wide range of community services from serving the elderly and underprivileged groups to promoting environmental protection, etc.,

reflecting the trade's care and dedication to their community.

經過首輪由業界代表組成的初選評審小組評分後，八個入圍隊伍獲選進入下一輪比賽。入圍隊伍會在2020年3月前將其服務建議落實執行，並向比賽的終審評選小組進行簡介以競逐獎項。最終結果將會於2020年4月公布。

After the first round of assessment by the Preliminary Judging Panel formed by trade representatives, eight proposals have been shortlisted for the next stage of the Competition. The shortlisted teams are required to implement their proposals before March 2020 with a presentation of their implementation to the Final Judging Panel to compete for the awards. The final result will be announced in April 2020.

如欲了解比賽的最新消息及詳情，請瀏覽：  
<http://CSR2019.eaa.org.hk>

For updates and details of the Competition, please visit:  
<http://CSR2019.eaa.org.hk>

八個入圍隊伍（排名不分先後）：  
The eight shortlisted teams (listed in no particular order):

隊伍名稱 Team name (in Chinese only)	建議計劃名稱 Name of the proposal (in Chinese only)	所屬公司/商會 Respective company/ trade association
有理有我	環保先鋒、區區有理	香港地產代理商總會 Hong Kong Real Estate Agencies General Associations
「傢傢有理」服務團隊	傳「傢」之寶 — 傢俬配對服務	中原地產代理有限公司 Centaline Property Agency Ltd
祥益智囊義工團	劏房戶自置居所培訓計劃	祥益地產代理有限公司 Many Wells Property Agent Limited
香港地產代理商總會 中西區分會家居有「理」	家居有「理」家居維修	香港地產代理商總會 Hong Kong Real Estate Agencies General Associations
世紀21 奇豐義工隊	行山義工探訪隊計劃	世紀21 奇豐物業顧問行 Century 21 Goodwin Property Consultants Limited
社區更美隊	區區有理清潔跑	美聯物業代理有限公司 Midland Realty International Limited
區區有傢事隊	搬屋後傢俱回收/捐贈計劃	美聯物業代理有限公司 Midland Realty International Limited
「祥益」與您同行服務團隊	「樂業安居在社區」預聘計劃	祥益地產代理有限公司 Many Wells Property Agent Limited

### 有關購買境外物業的精明錦囊

### Smart Advice on purchasing properties situated outside Hong Kong

愈來愈多港人選擇投資境外物業，亦有越來越多持牌人參與相關銷售工作。監管局最近於消費者教育網站內的「精明錦囊」中，新增了一個「有關購買境外物業」的專區，當中內容包括相關文章、單張、公開講座精華片段以及有用連結，持牌人及消費者均可作參考之用。



More and more Hong Kong people choose to invest in properties situated outside Hong Kong and there are also more licensees participating in the related business. A related corner titled “Purchasing properties located outside Hong Kong” has been launched under the section of “Smart Advice” in the EAA’s consumer education website recently. The content of the corner

includes related articles, leaflet, video highlights of the public seminars and some useful links for both licensees’ and consumers’ reference.

如欲了解更多，可登入：  
<http://outsideHK.eaa.org.hk>

To learn more, please visit: <http://outsideHK.eaa.org.hk>

### 入境事務處的提醒

### Reminder from Immigration Department

入境事務處早前致函監管局，希望提醒地產代理，尤其是參與銷售境外物業的人士或公司，需留意來港參與境外物業銷售活動的非香港永久性居民人士的逗留條件。

The EAA received a letter from the Immigration Department (“ID”) recently reminding estate agents, particularly those who are involved in the sale of non-local properties, to pay attention to the conditions of stay of non-Hong Kong permanent residents.

入境事務處指出，根據香港法例《入境規例》（第 115A 章）的規定，給予某人以訪客身分在香港入境的准許，須受相關逗留條件規限，包括他/她不得接受有薪或無薪的僱傭工作。

According to the ID, the Immigration Regulations (Chapter 115A), Laws of Hong Kong, stipulates that permission given to a person to land in Hong Kong as a visitor shall be subject to relevant conditions of stay, including that he/she shall not take up any employment, whether paid or unpaid.

此外，以訪客身分來港的參展商在參加展覽會或交易會時，不可向公眾直接出售貨物或直接提供服務。

Also, exhibitors who come to Hong Kong as visitors are not allowed to sell goods or supply services direct to the general public when they participate in exhibitions or trade fairs.

請瀏覽入境事務處網站 [www.immd.gov.hk](http://www.immd.gov.hk) 以了解更多詳情。

For more information, please refer to the website of the ID at [www.immd.gov.hk](http://www.immd.gov.hk)

# 人物誌 Portrait



黃偉雄先生 MH  
Mr Addy WONG Wai-hung, MH

中原地產代理有限公司亞太區主席兼行政總裁  
Chairman and Chief Executive Officer - Asia Pacific,  
Centaline Property Agency Ltd  
中原慈善基金有限公司主席  
Chairman, Centaline Charity Fund Limited  
愛心力量中原慈善基金洗腎中心榮譽主席及董事  
Honorary Chairman & Councillor, POLCCF Dialysis Centre  
香港專業及資深行政人員協會常務副會長  
Deputy President, Hong Kong Professionals and  
Senior Executives Association

## 監管局成員黃偉雄先生 MH Mr Addy WONG Wai-hung, MH, Member of the EAA

本期《專業天地》專訪了監管局成員黃偉雄先生 MH，與各位持牌人分享他作為業界代表，對監管局工作及業界表現的看法。

In this issue of *Horizons*, we interview Mr Addy WONG Wai-hung, member of the EAA, about his feelings on the EAA's work and his views on the performance of the trade from the perspective as a trade's representative.

問：加入監管局董事局後，你對監管局的工作和行業表現的看法有沒有改變？

Q: After joining the EAA Board, is there any change in your perception of the EAA's work and the trade's performance?

答：加入了監管局董事局三年，最深切感受到的就是監管局的工作繁重！我加入地產代理行業已三十年，一直都有和監管局接觸，近年尤其感受到監管局行政部門致力去提升業界的專業性，但要直至到我親身加入其中，才真正感受到監管局工作是如何繁重和複雜。尤其是處理發牌和聆訊工作方面，涉及的資料和文件是十分多，而且每一個個案都需要謹慎處理，工作一點都不簡單。至於業界的表現，其實近年的違規情況已比以往少了很多，持牌人都比較以前更加尊重自己行業和

A: After joining the EAA Board for three years, my deepest impression is the heavy workload of the EAA! In fact, I have been in the estate agency industry for 30 years and have been in regular contact with the EAA. In recent years, I especially felt that the EAA Administration is very committed to improving the professionalism of the industry. However, not until I personally joined the EAA did I really understand how heavy and complicated the EAA's work is. In particular, there are large volume of information and documents to process in licensing and inquiry hearings, and each case has to be handled with care, which is not simple at all. As to the trade's performance, the number of violations nowadays is much less than in the past. Licensees are more respectful of their industry and cherish their licences. In recent

珍惜自己的牌照。近年多了一些例如反洗錢的工作，大家工作都較以往辛苦，但同時亦比以前更加專業，而且逐步提升行業水平至國際級別。

**問：**作為一家大型地產代理公司的高級管理層，你能否與我們分享一下，如何將監管局的訊息傳達給你的員工？

**答：**其實，在監管局董事局裏討論的許多議題，由於保密關係，我不可以和外人討論。作為董事局成員，我和監管局一樣，對前線從業員抱有同樣的期望，就是要令他們不斷自我提升。我作為地產代理公司的管理層，十分重視推動公司文化，以提升員工的專業知識和品格操守，這一點和監管局所期望的方向一致，務求令行業在社會上備受尊重。例如我會和前線員工分享，鼓勵他們要將工作看成長遠事業，而非只是「搵快錢」途徑；同時透過公司的培訓、獎勵和表揚機制，令員工更加專業嚴謹，在行業內得以長線發展。

**問：**最近，監管局推出了一些企業社會責任活動，以供業界參加。你的看法如何？可否鼓勵一下業界為社區服務？

**答：**企業社會責任並不是一個潮流，而是一個責任，我鼓勵所有業界公司都應該參與。例如要保護環境，可以考慮如何減少印製宣傳單張。其實，一間公司撥捐盈餘去幫助有需要的弱勢社群，並不困難，但我認為更加應該要做的，是鼓勵員工去親身參與企業社會責任活動，而不是只作捐款了事。我的公司在十多年前已開始這方面的工作，我發現員工在親身接觸和服務社區之後，都感到開心和滿足，工作時也更有動力。

除了鼓勵業界其他公司都參與企業社會責任活動，我也建議大家提升公司的機構管治文化，令公司制度更加公平、公正和透明，這種種都能令公司的內部文化得以優化，員工亦會更加專業，工作也會更愉快。

years, though there are more tasks to accomplish such as anti-money laundering compliances and everyone is working harder than before, the trade is also at the same time becoming more professional and the industry is gradually moving towards an international standard.

**Q:** As senior management of a large estate agency firm, could you share with us how you deliver the messages from the EAA to your staff?

**A:** In fact, many issues discussed on the EAA Board cannot be discussed with outsiders due to their confidentiality. As a Board member, I share the same expectations as the EAA on frontline practitioners and that is to make them improve themselves continuously. As the management of an estate agency company, I attach great importance to promoting the company's culture in order to enhance the professional knowledge, morals and ethics of employees. This is in line with the direction of the EAA in shaping the trade to be respected by the society. For example, I share my knowledge with frontline employees and encourage them to treat their work as long-term careers, instead of just looking for "quick money". At the same time, the company's training and mechanism of rewards and praises will make the employees more professional and rigorous, enabling them to develop in the industry in the long run.

**Q:** Recently the EAA has organised some CSR activities for the trade to participate in. What do you think of this initiative and what would you like to say to encourage the trade to serve the community?

**A:** Corporate social responsibility is not a trend, but a duty, and I encourage all companies in the trade to participate. For example, to protect the environment, we may consider how to reduce the printing of leaflets. In fact, it is not difficult for a company to donate a portion of its profits to help the underprivileged groups, but I think it is more important to encourage employees to participate in corporate social responsibility activities in person rather than just to donate. My company has been working in this area for more than a decade and I find that my employees are happy and content after they are personally in touch with and serve the community.

In addition to encouraging other companies in the industry to participate in corporate social responsibility activities, I would also like to see them improve their corporate governance culture to make their systems fairer, impartial and transparent. All these can optimise the internal culture of the company and enhance the professionalism of employees.

# 誠信與你

## Integrity in Focus

### 紀律研訊個案 Disciplinary hearing case

#### 就地產代理業務刊登具誤導性資訊的廣告

#### Advertising in relation to its estate agency business with misleading information

##### 引言

地產代理公司切勿就其地產代理業務刊登具誤導性資訊的廣告，否則，有機會被監管局紀律處分。

##### Introduction

An estate agency company must not put up an advertisement in relation to its estate agency business with misleading information. Otherwise, it may be disciplined by the EAA.

##### 事件經過

一間地產代理公司於報章上刊登一則廣告，當中載有一些字眼表明該公司為某發展商行事，以協助收購座落於某街道某些幢數的物業。然而，廣告中所使用的字眼亦提及一些其他幢數的物業，造成公眾誤會，以為這些幢數物業也是由該公司所成功收購，但事實並非如此。由於這些幢數物業的業主並沒有透過該地產代理公司出售其物業，卻因該廣告而受到不必要的煩擾，他們遂向監管局作出投訴。

##### Incident

An estate agency company published an advertisement in a newspaper stating that it acted for a developer in its acquisition of a number of blocks on a specific street. However, the wording of the advertisement also mentioned some other blocks which caused a misleading impression to the public that the estate agency company had helped the developer to successfully acquire those blocks, which was not true. As some owners of these blocks did not engage the estate agency company concerned to sell their properties, annoyances were caused to these owners by the misleading advertisement, and thus they lodged a complaint to the EAA.



## 研訊結果

監管局紀律委員會認為，該地產代理公司刊登了具誤導性資訊的廣告，造成公眾誤會，違反了《操守守則》第 3.7.2 段，即「地產代理和營業員應避免做出可能令地產代理行業信譽及/或名聲受損的行為」。

考慮到個案的性質及該地產代理公司的違規紀錄，紀律委員會決定譴責該地產代理公司，並向其罰款 15,000 元。

## Result

The EAA Disciplinary Committee was of the view that the estate agency company published an advertisement which contained misleading information and had caused confusion to members of the public. Hence, it was in breach of paragraph 3.7.2 of the *Code of Ethics*, which stipulates: “estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade.”

Having considered the nature and gravity of the case, and the disciplinary record of the estate agency company, the Committee decided to reprimand it and impose a fine of \$15,000.



黃漢成先生  
地產代理管理協會會長  
Mr Daniel Wong  
President of Estate Agents  
Management Association

## 業界意見 Comment from trade

隨著社會的進步，消費者權益日漸受到重視，作為專業的地產代理，對於物業資料的收集和廣告的發放，須加倍的審慎，除進行相關的盡職審查外，在發放廣告時，亦要確保廣告內的資料正確無誤，避免買家或業主因廣告內容失實或誤導而招致損失。

As consumer rights are getting stronger, a professional estate agent should be extremely prudent when obtaining property information and issuing advertisements. As well as conducting the relevant due diligence, they must ensure the information in the advertisements is accurate and not misleading or false in order to protect the purchaser and the landlord from suffering any losses.

# 誠信與你

## Integrity in Focus

### 向一手物業準買家提供貸款

### Offering loan to prospective purchaser of first-hand property

#### 引言

持牌人在任何情況下都不得向一手住宅物業的準買家提供或提出提供貸款，否則有可能被監管局紀律處分。

#### Introduction

Licenseses must not offer or make loans to a prospective purchaser of first-hand residential properties under any circumstances. Otherwise, they may be subject to disciplinary action by the EAA.

#### 事件經過

一名地產代理安排一名準買家視察某一手住宅樓盤的示範單位。視察完畢後，該名準買家被游說購買該物業，她最終簽署臨時買賣協議。然而，當她以信用卡支付十萬元作為部分訂金後，因知悉其信用卡公司的手續費相當昂貴，遂決定以支票支付餘下的六十萬元訂金。

由於該準買家未能趕及在售樓處關閉前取得其支票簿，地產代理向準買家提供一張由他所屬的地產代理公司開出的支票，用作向發展商支付訂金，要求準買家則於翌日早上以她本人的支票交換。可是，準買家當晚因考慮到需支付巨額印花稅而改變主意，決定取消交易。而她已支付的十萬元訂金則被沒收。她感到因被地產代理過度游說而作出錯誤的購買決定，遂向監管局投訴。

#### Incident

An estate agent arranged for a prospective purchaser to view a show flat of a first-hand residential development. After the inspection, the prospective purchaser was persuaded by the estate agent to purchase the property and she finally signed a provisional agreement for sale and purchase. However, after paying \$100,000 with her credit card as part of the deposit, the prospective purchaser realised that the handling charges of her credit card company was too high and she decided to pay the remaining deposit of \$600,000 by cheque.

As the prospective purchaser could not obtain her own cheque book before the first-sale site closed, the estate agent then offered her a cheque issued by the estate agency company to pay the remaining deposit to the developer, and in return the prospective purchaser was asked to repay them with her own cheque the next morning.

However, later that night, the prospective purchaser changed her mind and decided to cancel the deal due to the heavy stamp duty, and her deposit of \$100,000 was forfeited. She blamed the estate agent for over-persuading her to make the wrong purchase decision and lodged a complaint to the EAA.



## 研訊結果

監管局紀律委員會認為該地產代理及其地產代理公司沒有遵守執業通告（編號 13-04 (CR)）的指引，即「持牌人不可向準買家提供貸款」，因此違反了《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，該地產代理公司因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》，同時亦違反了《地產代理常規（一般責任及香港住宅物業）規例》第 15 條。

考慮到個案的性質及違規紀錄，委員會決定譴責該地產代理公司、罰款合共 150,000 元；而該涉事地產代理則被譴責、罰款 30,000 元、暫時吊銷牌照 6 個星期，其牌照亦被附加條件，要求他在 12 個月內取得持續專業進修計劃下的 12 個學分。

## Result

The EAA Disciplinary Committee found that the estate agent and the estate agency company he worked for failed to comply with the guidelines set out in the Practice Circular No. 13-04 (CR), which states that licensees must not offer or make loans to a prospective purchaser. Hence, they were in breach of paragraph 3.2.1 of the *Code of Ethics* which states that “Estate agents and salespersons should be fully conversant with the EAO, 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, the estate agency also violated section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation as it failed to establish proper procedures and systems to ensure that employees or persons under its control comply with the Estate Agents Ordinance.

Having considered the nature and gravity of the case and the disciplinary record of the estate agency company, the Committee decided to reprimand the company and impose a fine of \$150,000. The estate agent concerned was reprimanded and fined \$30,000. His licence was also suspended for six weeks and a condition was attached to his licence requiring him to obtain 12 points under the EAA’s Continuing Professional Development Scheme in 12 months.



李景亮先生  
香港房地產代理業聯會主席  
Mr Paul Lee  
Chairman of Hong Kong Property  
Agencies Association

## 業界意見 Comment from trade

從業員必須遵守監管局指引，絕不可代客墊支，倘若遇到個案中的情況，可建議準買家借用親戚或朋友的支票，惟地產代理不可向客戶提供貸款。另外，地產代理公司應設立有效監控措施，提醒並確保前線員工遵守相關指引。

Practitioners must comply with the EAA guideline that they must not offer loans to clients. Under the circumstances of this case, the estate agent could have suggested to the prospective purchaser that if she could not obtain her own cheque book before the first-sale site closed she could try to contact her friends or relatives to see if they could help her with a cheque. Under no circumstances should the estate agent offer a loan to his client. In addition, the estate agency company should have set up effective monitoring measures to remind and ensure that its frontline staff comply with the relevant guidelines.

# 反洗錢專區

## AML Corner

### 反洗黑錢



為加深持牌人對反洗錢及反恐怖分子資金籌集（「反洗錢」）議題的認知，我們會在《專業天地》這個「反洗錢專區」為大家提供有關反洗錢的不同資訊及最新消息。

To enhance licensees' knowledge on the subject of anti-money laundering ("AML") and counter-terrorist financing ("CTF"), we will provide various information and updates about AML in the "AML Corner".

為確保業界有效執行《打擊洗錢及恐怖分子資金籌集條例》，以及評估業界就反洗錢所採取的措施，監管局發出相關問卷，以便向地產代理公司收集資料。監管局鼓勵持牌人於本局網頁下載該問卷，填妥後傳真或親身交回監管局。

In order to ensure effective implementation of the Anti-Money Laundering and Counter-Terrorist Financing Ordinance ("AMLO") by the trade and better evaluate the trade's measures in AML/CTF, it is necessary for the EAA to collect information from estate agency companies by sending out the AMLO questionnaire. Licensees are encouraged to download the questionnaire at the EAA's website and submit the completed questionnaire to the EAA by fax or by hand.

### 網上學習活動 — 報告可疑交易 ( 執業通告 — 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 )

#### e-Learning – Reporting Suspicious Transactions (Practice Circular – Guidelines on Compliance of Anti-Money Laundering and Counter-Terrorist Financing Requirements for Estate Agency Sector (Circular No. 18-01(CR))

如持牌人得悉或懷疑若干財產為犯罪得益或恐怖分子的財產，須按合理情況盡快向聯合財富情報組作出披露。為提醒持牌人有關舉報可疑交易所須注意的要點，監管局已推出一個全新的網上學習活動。詳情請瀏覽監管局網站。

When a licensee knows or suspects that certain property represents the proceeds of crime or terrorist property, a disclosure must be made to the Joint Financial Intelligence Unit as soon as it is reasonable to do so. To highlight the important points-to-note to licensees relating to reporting suspicious transactions, a new e-Learning programme has been launched. Please visit the EAA website for more information.

## 常見問答 Frequently-Asked-Questions

在《專業天地》內，我們會解答持牌人的一些常見提問。

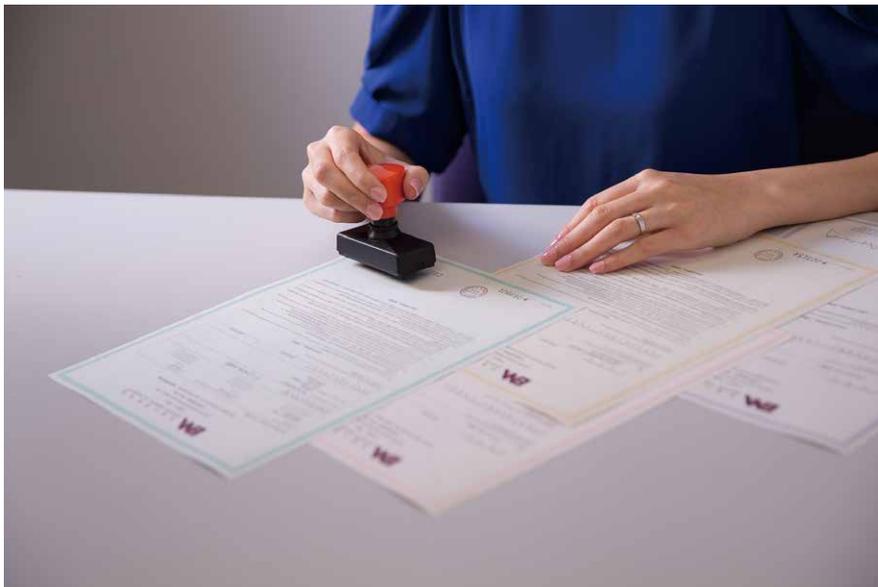
In *Horizons*, we will answer questions commonly asked by licensees.

問：本人現時持有有效的地產代理（個人）牌照，我可否在續牌時改為領取營業員牌照？如可以的話，我將來又可否再次申領地產代理（個人）牌照？

答：持有有效地產代理（個人）牌照的人士，可於續牌時改為申領營業員牌照，而不須再報考並通過營業員資格考試。只要該持牌人的牌照仍然有效，他/她可於將來申請續牌時或於任何時間按需要再次申領地產代理（個人）牌照。然而，持牌人需注意，牌照批出後，監管局不會退還已繳付的牌照費，已繳付的牌照費亦不可用作繳付另一種牌照費之用。

Q: I am a current holder of an estate agent's licence (individual). Can I switch to salesperson's licence when I renew my licence? If yes, can I re-apply for an estate agent's licence (individual) again in the future?

A: Current holder of an estate agent's licence (individual) may apply for a salesperson's licence when renewing his/ her licence without the need to sit for and pass another Salespersons Qualifying Examination. The licensee concerned may switch his/her licence back to an estate agent's licence (individual) in future renewal applications or at any time when his/ her salesperson's licence is still valid, if necessary. However, it should be noted that any licence fees paid will not be refunded once the licence is approved, nor can such fees or any part thereof be used to pay for the licence fee of another type of licence.



# 持續進修 CPD

## 持續專業進修講座 - 「地產代理業遵守反洗錢及反恐怖分子資金籌集的規定」

CPD Seminar – Compliance of Anti-Money Laundering / Counter-Financing of Terrorism Requirements for Estate Agents



With a view to enhancing licensees' understanding of the legal and regulatory requirements in relation to anti-money laundering ("AML") and counter-terrorist financing ("CTF"), the EAA, in collaboration with the Narcotics Division of the Security Bureau and the Joint Financial Intelligence Unit, organised two Continuing Professional Development ("CPD") seminars (in Chinese and English language) titled "Anti-Money Laundering /

Counter-Financing of Terrorism Requirements for Estate Agents" on 25 September and 25 October 2019.

為加強持牌人對反洗錢及反恐怖分子資金籌集有關法規的認識，監管局與保安局禁毒處及聯合財富情報組於 2019 年 9 月 25 日及 10 月 25 日分別舉辦了兩場以中文及英文授課，題為『「打擊清洗黑錢及恐怖分子資金籌集」講座 - 地產代理』的持續專業進修講座。

At the seminars, representatives of the Security Bureau and the Joint Financial Intelligence Unit briefed licensees on the customer due diligence and record-keeping requirements for estate agents and their legal obligations to report suspicious transactions. Furthermore, representative of the EAA talked about the EAA's practice circular "Guidelines on Compliance of Anti-Money Laundering and Counter-Terrorist Financing Requirements for the Estate Agency Sector (Circular No. 18-01 (CR))".

席間，保安局禁毒處及聯合財富情報組的代表向持牌人講解地產代理就有關客戶盡職審查和備存紀錄的規定以及於舉報可疑交易上的法律責任。監管局代表亦向持牌人詳細講解在執業通告 18-01(CR) 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。

These CPD seminars attracted a total of 127 enrolments. The EAA will continue to hold similar seminars to enhance licensees' understanding of the AML/CTF requirements.

這兩場持續專業進修講座合共有 127 人次參加。監管局會持續舉辦相關講座，務求加深持牌人對相關規定的認識及理解。

監管局即將舉行的持續專業進修講座  
Upcoming EAA's CPD Seminars

活動詳情：  
物業轉易須知

日期：04/02/2020  
時間：09:45 - 12:45  
地點：香港青年協會大廈演講廳

活動模式：講座 / 研討會  
學分：3  
語言：廣東話

活動詳情：  
物業租賃實務知識

日期：17/02/2020  
時間：09:45 - 12:45  
地點：香港青年協會大廈演講廳

活動模式：講座 / 研討會  
學分：3  
語言：廣東話

活動詳情：  
有問有答—處理非住宅物業買賣及租賃

日期：26/02/2020  
時間：15:00 - 17:00  
地點：溫莎公爵社會服務大廈禮堂

活動模式：講座 / 研討會  
學分：2  
語言：廣東話

其他相關活動  
Other activities

個人資料私隱專員公署 —  
條例簡介講座 (以廣東話進行)

日期	時間
09/01/2020	15:00-16:30
17/01/2020	
05/02/2020	
20/02/2020	

查詢電郵：training@pcpd.org.hk  
查詢電話：2877 7130

## 照片回顧 Photos Recollection

### 2019-10-03

監管局與主要商會的代表舉行聯絡會議，局方向業界介紹「區區有『理』 社區服務建議比賽」的詳情。業界代表亦向局方反映有關近期經營情況。

The EAA held a trade liaison meeting with representatives of major trade associations. During the meeting, details of the Estate Agents Community Service Proposal Competition were introduced. The trade representatives also reflected the recent operating situation of the industry.



### 2019-10-29

監管局於馬鞍山舉行聚焦小組會議。席間，監管局代表向出席的持牌人簡報局方的最新消息，而持牌人則分享其日常執業所遇到的問題。

The EAA held a focus group meeting in Ma On Shan District. During the meeting, EAA representatives updated the participating licensees with the latest news of the EAA, while licensees shared issues they encountered in their daily practice.

### 2019-11-08

監管局牌照部與投訴及行動部兩位員工獲頒發「2019 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。

Two EAA staff from the Licensing Section and Complaints and Enforcement Section received “The Ombudsman’s Awards 2019” for “Officers of Public Organisations” in recognition of their professionalism and positive attitude in enquiries handling.



# 照片回顧 Photos Recollection



2006年12月  
December 2006

在首次舉行的持續專業進修計劃頒獎禮上，十位在2005年5月至2006年9月期間取得最多學分的持牌人接受表揚。

First award ceremony for the Continuing Professional Development Scheme to recognise 10 licensees who earned the highest CPD points from May 2005 to September 2006

2007年11月  
November 2007

監管局在十周年慶祝酒會上頒獎予徵文比賽及中文書法比賽的優勝者

Winners of the writing and Chinese calligraphy competitions receive their prizes at the EAA's 10th anniversary reception



2010年3月  
March 2010

「地產代理誠信管理計劃」啟動儀式

The launch of Integrity Management Programme for the Estate Agency Trade



# 統計數字 Statistics

## 考試 Examinations



考試日期 Examination date 19/9/2019



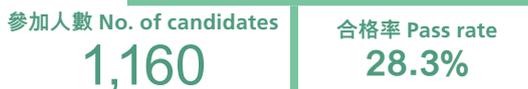
考試日期 Examination date 10/10/2019



考試日期 Examination date 21/11/2019



考試日期 Examination date 30/9/2019



## 牌照數目 (截至 2019 年 11 月 30 日)

### Number of licences (As at 30/11/2019)



## 營業詳情說明書 (截至 2019 年 11 月 30 日)

### Number of statements of particulars of business (As at 30/11/2019)



## 開立的投訴 (2019 年 1 月至 11 月)

### Number of complaint cases opened (January to November 2019)

**276**

## 已處理的投訴個案結果\* (2019 年 1 月至 11 月)

### Results of completed complaint cases\* (January to November 2019)



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

## 巡查次數 (2019年1月至11月) Number of compliance inspections (January to November 2019)



## 巡查發現主動調查的個案 (2019年1月至8月) Number of cases arising from self-initiated investigations during inspections (January to November 2019)



\* 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\* (2019年1月至11月) Actions taken against licensees or ex-licensees\* (January to November 2019)



行動 Actions Taken	訓誡 / 譴責 Admonishment/ reprimand	於牌照附加 / 更改條件 Attachment/ alteration of conditions to licence	撤銷牌照 Revocation
	140	116	55 <sup>#</sup>
	罰款 Fine	暫時吊銷牌照 Suspension	
	110	17	

\* 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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