

成為「三言兩與」兼備的地產代理

Become a “5A” estate agent



言出必行
Adherence



與客同行
Affinity



言而有信
Accountability



與時並進
Advancement



言之有物
Ability



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韓婉萍
Ruby Hon Yuen-ping

行政總裁
Chief Executive Officer

“ 隨着有關一手住宅物業這個新銷售策略的關注越來越大，各持牌人在向準買家提供建議時，必須特別小心謹慎，以免違反相關規定。 ”

“ With growing concern about this sales tactic in the first-hand residential market, licensees are reminded again to be extremely careful when advising prospective purchasers, so as not to breach the relevant regulations. ”

以招標形式銷售一手住宅物業

Sale of first-hand residential properties by tender

香港的物業市場充滿變數，地產代理的執業手法一直備受公眾關注。因此，從業員必須緊記，無論任何時候都要保持專業，否則行業形象將容易受損。而作為行業的規管機構，監管局需小心回應新的市場趨勢和地產代理執業問題。例如，近期一手住宅物業透過招標形式出售單位的銷售策略，就因為欠缺透明度而引起了媒體和公眾的疑問。

由於「暗標」過程以不透明形式進行，沒有公開價單，準買家有機會向發展商給予一個高於預期的投標價。而在過程中協助準買家投標的地產代理，其角色也受到質疑。在某些情況中，地產代理被指在準買家投標前向準買家提供了一個「指示性價格範圍」。

就着這個問題，監管局在4月發出了一封「致持牌人函件」及向持牌人廣發電郵，同時把函件張貼於監管局網站首頁的「最新消息」一欄中，提醒持牌人在未取得賣方就其編制資料的準確性及完整性的明確書面批署前，不得直接或間接發出或發放任何以招標形式銷售的一手住宅物業推廣資料（包括但不限於載有建議之投標價格資料）。

事實上，監管局已收到兩宗有關地產代理在處理透過招標購買一手住宅物業時向買家提供指示性價格的投訴，調查工作正在進行中。

與此同時，一手住宅物業銷售監管局（「銷監局」）亦於2019年5月17日表示，有一手住宅發展項目的賣方以招標形式發售一手住宅發展項目時，成交資料透明度不足，涉嫌違反《一手住宅物業銷售條例》，銷監局已向有關賣方提出檢控。

隨着有關一手住宅物業這個新銷售策略的關注越來越大，各持牌人在向準買家提供建議時，必須特別小心謹慎，以免違反相關規定。監管局會繼續密切留意市場情況，並會積極配合政府對有關情況可能採取的措施。

The property market in Hong Kong is volatile and the practice of estate agents is always under public scrutiny. Hence, practitioners must remember to stay professional at all times or the image of the profession will be easily tarnished. As the regulator of the industry, the EAA needs to respond attentively to new market trends and estate agency practices. For example, the new sales tactic of the vendors selling first-hand residential properties by tender has recently been questioned by the media and public for its lack of transparency.

As the closed bidding process is opaque with no published unit prices, prospective purchasers could make offers to property developers higher than expected. The role of estate agents assisting prospective purchasers in the bidding process has also been questioned, in that some estate agents have provided an “indicative price range” to prospective purchasers before they submit a bid.

On this subject, the EAA issued a “Letter to Licensees” and sent mass emails to all licensees in April. The Letter was also posted under “What’s New” on the front page of the EAA’s website. Licensees are reminded that they must not, whether directly or indirectly, issue or release any materials promoting the sales of any first-hand residential properties by tender (including but not limited to materials containing information on the suggested bidding price) without obtaining the vendor’s express prior written endorsement of the accuracy and completeness of the information contained therein.

In fact, the EAA has already received two complaints about estate agents providing indicative prices to purchasers when handling the purchase of first-hand residential property through tender. An investigation is in process.

In addition, the Sales of First-hand Residential Properties Authority (“SRPA”) also announced on 17 May 2019 that, a vendor, in offering a first-hand residential development to be sold by way of tender, was suspected of contravening the Residential Properties (First-hand Sales) Ordinance because of insufficient transparency in the transaction information. The SRPA has laid a summons to initiate prosecution against the vendor concerned.

With growing concern about this sales tactic in the first-hand residential market, licensees are reminded again to be extremely careful when advising prospective purchasers, so as not to breach the relevant regulations. The EAA will closely monitor the market situation and will collaborate closely with the Government in adopting all necessary measures to address the subject.

專題報道 Cover Story



成為「三言兩與」兼備的地產代理 Become a "5A" estate agent

地產代理要樹立其專業形象，除了要掌握物業交易的相關知識，還須以誠懇的態度為客戶提供服務。從業員如果能給人一種正面、專業的形象，更加能增加客人的信心。因此，提升業界的專業水平正是監管局的工作目標之一。

監管局早前推出宣傳計劃，透過輕鬆的卡通化廣告，向公眾宣傳專業地產代理所具備的「三言兩與」特質。廣告除了張貼於巴士車身、巴士站燈箱、電車車身及網上平台外，局方亦製作了相關海報傳遞這個訊息，並郵寄到各間地產代理商舖。今期《專業天地》就為各位持牌人揭示，專業地產代理所備的「三言兩與」的背後意義。

To establish a positive and professional image and increase clients' confidence, estate agents should be familiar with all the relevant knowledge of property transactions and serve clients with sincerity. Enhancing the professional standard of the trade is one of the key missions of the EAA.

The EAA recently launched a publicity campaign to promote the "5A" professional estate agent via an interesting cartoon advertisement. In addition to the advertisement on bus and tram bodies, bus shelters and online platforms, the EAA also produced a related poster for all estate agency shops to publicise the message. In this issue of *Horizons*, we will explain in detail what "5A" mean to an estate agent.

何謂「三言兩與」？ What does “5A” mean?



「三言兩與」，其實是代表了五句以「言」或「與」字為首的成語，當中包括「言出必行」(Adherence)、「言之有物」(Ability)、「言而有信」(Accountability)、「與時並進」(Advancement) 及「與客同行」(Affinity)，亦即英文版的「5A」代理。這些特質是地產代理為顧客提供優質服務時應具備的。

首先，「三言兩與」中的「言出必行」，代表了地產代理在經營業務的過程中，必須秉持誠實、忠誠和嚴正的態度向客戶提供服務。倘若客戶向代理查詢有關物業的資料時，作為地產代理，必須以嚴正的態度及誠實的向客戶解答問題。

而作為一位「言之有物」的地產代理，即應掌握一切相關的法律及政府規例，熟悉並遵守《地產代理條例》、其附屬法例、《操守守則》，以及由監管局不時發布的所有其他指引，以便能盡責地向客戶提供意見。

地產代理亦應擁有「言而有信」的特質，對客戶負責，保障客戶在地產交易中不因欺詐、失實陳述或不合專業操守的行為而受損。地產代理應憑藉他們本身在地產行業方面的知識、訓練、資歷和經驗，向客戶提供專業服務和意見。

“5A” literally means five key qualities which start with the letter “A”, namely “Adherence”, “Ability”, “Accountability”, “Advancement” and “Affinity”. Estate agents of high calibre are expected to possess these qualities in order to deliver a professional service to their clients.

Firstly, “Adherence” refers to the requirement that an estate agent shall provide services to clients with honesty, fidelity and integrity. When clients ask for the information of a property, estate agents should respond to their questions in a serious and honest manner.

Secondly, being an estate agent with “Ability” means that one should have a good understanding of all related legislations and be fully conversant with the Estate Agents Ordinance, its subsidiary legislation, the *Code of Ethics*, and all the guidelines issued by the EAA from time to time so that one can advise their clients in a responsible manner.

To become estate agents with the attribute of “Accountability”, they should be accountable to their clients and should protect them against fraud, misrepresentation or any unethical practices in connection with property transactions. Moreover, with their knowledge, training, qualifications and experience in the real estate business, estate agents should be able to provide a professional service and opinions to their clients.

專題報道

Cover Story



至於「與時並進」，除了代表地產代理應掌握政府規例及地產市場的最新發展外，也代表地產代理應跟隨時代步伐好好裝備自己。隨着消費者的期望日漸提高，業界必須不斷自我增值，以滿足客戶的要求。廣告中的地產代理卡通所穿的外套上，可以見到監管局的专业進修計劃優越嘉許獎章。事實上，為鼓勵從業員自我提升，監管局不斷優化持續專業進修計劃，從業員應多參加有關活動，才可做到「與時並進」。

最後，「與客同行」的不僅僅代表地產代理要陪同客人視察物業，其實亦代表了地產代理應盡力協助客戶尋找最合適的居所，以客戶的利益為出發點，在履行職務時，盡量小心和盡一切應盡的努力，保障及促進其客戶的利益。

以上提及的「三言兩與」，讓公眾對持牌地產代理的專業特質有一個鮮明概念。局方希望藉此提醒消費者，在考慮委託持牌地產代理處理物業交易時，應揀選擁有這些專業特質的地產代理，以致在獲得優質服務的時，也對其權益有更佳保障。而地產代理則應以做到「5A」級代理為目標，做好自己以贏得社會大眾的認同。

As to “Advancement”, it is about keeping abreast of the latest trends and developments of any laws, government regulations, essential facts and developments in the real estate market. Estate agents should be well equipped to advance with the times. With the increasing expectations of consumers, practitioners must advance themselves to meet the requirements of their clients. You will see an EAA Premium CPD attainment symbol on the jacket of the cartoon estate agent in the advertisement. The EAA keeps optimising the CPD Scheme and encourages practitioners to strive for self-advancement.

Lastly, having “Affinity” with their clients means not only accompanying them to property inspections, but also using their best endeavour to assist them in finding the most suitable apartments. They should exercise due care and due diligence in fulfilling their duties, so as to protect and promote their clients’ interests.

The abovementioned “5A” qualities provide a vivid concept for the public to understand the professional qualities of licensed estate agents. Through this campaign, the EAA would like to remind consumers that when appointing an estate agent to deal with a property transaction, they should consider appointing an estate agent with high calibre. As for estate agents, they should aim at becoming a “5A” estate agent and earn public recognition.



以實力去除標籤 To eliminate stereotyping



要改變公眾對從業員的既定印象並不容易，所以我們才要付出更大的努力，讓市民看到地產代理的專業素質，逐步改變他們的想法。有時候，電視劇集會把業界中佔極少數的負面行為誇張化，以務求達到戲劇效果，可是這亦反映地產代理業界需要付出更大努力，以去除負面標籤，以實力向公眾證明他們是做到「三言兩與」的「5A」級專業代理。最後，希望業界留意自己和同業的一言一行，要記着一宗負面新聞也嫌多，希望業界共勉之。

It is not easy to change the public's mindset of estate agents. Extra effort is definitely required to raise awareness of the professional attributes of the trade. Sometimes, television dramas might exaggerate the malpractices of the trade to make it more dramatic. It also reflects the fact that the trade has to work even harder to eliminate such negative impressions and prove to society that they are "5A" professional agents who possess "5A" qualities. Practitioners should be aware that even one piece of negative news will greatly discredit the trade and eliminate their good efforts. Let us work together to keep up the professional standard of the trade.



「家在香港 -- 地產代理清潔海岸日」 “My Home Hong Kong – Estate Agents Coastal Cleanup Day”



監管局主席梁永祥教授及行政總裁韓婉萍女士與一眾地產代理在清潔海岸後合照

The EAA's Chairman Professor William Leung Wing-cheung and Chief Executive Officer Ms Ruby Hon Yuen-ping took a group photo with all the participating estate agents after the coastal cleanup

為響應「世界海洋日 2019」海岸清潔活動，監管局於 2019 年 6 月 1 日與環保署合辦「家在香港 -- 地產代理清潔海岸日」，這是監管局首次舉辦與地產代理業界一起參加的社會責任活動。

是次活動得到不少地產代理支持，近 100 名來自地產代理業界及監管局的義工共同在大嶼山水口協助清潔海岸。監管局主席梁永祥教授 SBS, JP 及行政總裁韓婉萍女士亦有親自到場參與及支持。此外，環保署副署長區偉光先生 JP 在活動前致辭感謝一眾參加者的出席。參加者同心協力，最終於水口的海岸範圍收集了合共 75 公斤垃圾。

是次活動的短片以及照片已上載於監管局網站：www.eaa.org.hk/Coastal-cleanup-highlight

In response to the “World Oceans Day 2019” shorelines clean-up activities, the EAA co-organised an event titled “My Home Hong Kong – Estate Agents Coastal Cleanup Day” with the Environmental Protection Department on 1 June 2019. This is the first time for the EAA to initiate a Corporate Social Responsibility (“CSR”) activity with the estate agency trade’s participation.

The event was supported by many estate agency practitioners with around 100 volunteers from the trade and the EAA helping to clean up the shoreline of Shui Hau on Lantau Island. Professor William Leung Wing-cheung, SBS, JP, Chairman of the EAA and Ms Ruby Hon Yuen-ping, Chief Executive Officer of the EAA also participated and showed their support to the participants. In addition, Mr Elvis Au Wai-kwong, JP, Deputy Director of Environmental Protection also expressed his gratitude to the participants in his opening remarks. With the participants’ collaboration and effort, 75 kg of garbage was collected at the coastal area of Shui Hau.

Video highlights and photos of the event have been uploaded to the EAA website: www.eaa.org.hk/Coastal-cleanup-highlight

新聞速遞 News Express



監管局主席梁永祥教授（右）及環保署副署長區偉光先生（左）身體力行參與清潔海岸
The EAA's Chairman Professor William Leung Wing-cheung (right) and Mr Elvis Au Wai-kwong, Deputy Director of Environmental Protection (left) participated in the coastal cleanup



參加者用心為清潔海岸盡一分力
Participants spent much time and effort on cleaning up the coastal area



監管局服務總監王頌恩先生（右一）出席「世界環境日 × 世界海洋日 2019 — 走塑 Fun 墟」—「海岸英雄」嘉許禮
Mr Ivan Wong, Director of Services of the EAA (first on the right), attended “World Environment Day × World Ocean Day 2019 – Plastic Free Fun Fair” – “Clean Shorelines Heroes” Award Ceremony

電腦化資格考試

Computer-based qualifying examination (“CBE”)

為提供另一個選擇及彈性予考生，監管局今年為營業員資格考試推出電腦化考試新試行計劃。由 2019 年 7 月起，每月將舉辦一次電腦化資格考試。

監管局所有資格考試現時由職業訓練局高峰進修學院舉辦。電腦化考試的答題模式、考試時間及考試費用，均與筆試形式進行的營業員資格考試相同。然而，電腦化考試只接受透過高峰進修學院的網站報名。

有興趣的考生請留意，由於電腦化考試僅屬試行計劃，每次電腦化考試的考生人數將以 100 人為上限，額滿即止。考生亦可如常報考現有以筆試形式進行的營業員資格考試，但考試並非和電腦化考試同日舉行。

有關所有資格考試的報名詳情（包括電腦化考試及筆試形式考試）、即將舉行的考試時間表、重要日期及考試範圍等，請瀏覽監管局網站：www.eaa.org.hk

In order to provide another option and flexibility for candidates, a new pilot scheme of CBE for the Salespersons Qualifying Examination (“SQE”) has been launched this year. Starting from July 2019, there will be one CBE every month.

All the EAA’s qualifying examinations are now administered by the Institute of Professional Education And Knowledge (“PEAK”) of the Vocational Training Council. The format, duration and examination fee of the computer-based SQE will be the same as that of the paper-based SQE. However, the CBE will only accept online registration through the PEAK’s website.

Interested candidates are advised to note that the CBE is only a pilot scheme and the number of candidates for each CBE will be limited to 100. Registration will close when the quota is full. The existing paper-based SQE, though not scheduled on the same date as the CBE, will remain for candidates’ registration as usual.

For the registration details of all qualifying examinations (including the CBE and paper-based ones), as well as the forthcoming examination schedules, key dates and examination syllabus, please visit the EAA’s website at www.eaa.org.hk



有關居屋第二市場計劃的新修訂文件 Revised documents of the Home Ownership Scheme

監管局接獲房屋委員會（「房委會」）通知，由於居屋第二市場計劃下不同屋苑的轉售限制有所不同，所有有關轉售單位的文件已作出修訂。

由 2019 年 6 月 1 日起，持牌人必須採用新修訂的文件處理該計劃下的單位轉售事宜。新修訂的文件可於房委會網站下載：www.housingauthority.gov.hk/tc/global-elements/forms/buyer-and-seller/index.html

如有任何查詢，請致電 3162 0680 與房委會居屋第二市場計劃小組聯絡。

The EAA was notified by the Hong Kong Housing Authority ("HA") that in view of the different resale restrictions for different estates under the Home Ownership Scheme Secondary Market Scheme, all the documentation relating to the resale of the units under the Scheme has been revised.

Licensees must adopt the updated version from 1 June 2019 onwards when handling the resale of the units under the Scheme. The updated version can be downloaded from the website of the HA (www.housingauthority.gov.hk/en/global-elements/forms/buyer-and-seller/index.html).

For any queries, please contact the Secondary Market Scheme Unit of the HA at 3162 0680.

以招標形式銷售一手住宅物業 Sale of first-hand residential properties by tender

鑑於過去數月有一手住宅物業發展商透過招標形式出售新盤單位的銷售策略，監管局於 2019 年 4 月 12 日發出「致持牌人函件」，提醒所有參與一手住宅物業銷售的持牌人，不論發展商以何種方式銷售其物業，他們均必須嚴格遵守《地產代理條例》、監管局發出的執業通告（編號 13-04(CR)）內的所有適用指引，以及《一手住宅物業銷售條例》。持牌人可瀏覽本局網頁（進入「持牌人」>「致持牌人函件」）閱讀有關函件。

監管局會繼續密切留意市場情況，並會積極配合政府對有關情況可能採取的措施。

In view of the latest sales tactics deployed by developers in the first-hand residential market in which a number of new flats were sold by way of tender in the past few months, the EAA has issued a Letter to Licensees on 12 April 2019, reminding all licensees who participate in the sale of first-hand residential properties that they must strictly comply with the Estate Agents Ordinance, all the applicable guidelines set out in the Practice Circular (No. 13-04(CR)) issued by the EAA and abide by the Residential Properties (First-hand Sales) Ordinance at all times, regardless of the method of sales adopted by developers for selling their properties. Licensees may read the Letter at the EAA website (Licensees > Letter to Licensees).

The EAA will closely monitor the market situation and will collaborate closely with the Government in adopting all necessary measures to address the subject.

一手住宅物業銷售監管局發出的提醒

A new Reminder issued by the Sales of First-hand Residential Properties Authority

監管局提醒持牌人，一手住宅物業銷售監管局已於 2019 年 4 月 12 日就成交紀錄冊載列支付條款發出提醒，並新增有關成交紀錄冊的常見問答第 1.2 題。

《一手住宅物業銷售條例》第 61 條述明，發展項目的成交紀錄冊的目的是向公眾人士提供關於該項目的交易資料，以使公眾人士了解市場狀況。因此，賣方應列出與買方就購買指明住宅物業所協定的支付條款的細節。

監管局建議持牌人瀏覽監管局網頁（進入「持牌人」>「最新消息及提醒」）閱讀上述的提醒，以及上載於該局網站 (www.srpa.gov.hk) 的新增常見問答。

The EAA would like to draw licensees attention that the Sales of First-hand Residential Properties Authority ("SRPA") has issued a Reminder on "Setting out Payment Terms in Register of Transactions" and one new frequently asked questions and answers ("FAQ") on Register of Transactions, i.e. FAQ 1.2 on 12 April 2019.

As set out in section 61 of the Residential Properties (First-hand Sale) Ordinance, the purpose of the Register of Transactions for a development is to provide a member of the public with the transaction information relating to the development for understanding the residential property market conditions. A vendor is therefore expected to set out full details of the Payment Terms as agreed with a purchaser for the purchase of each specified residential property.

Licensees are advised to read the above mentioned Reminder at the EAA website (Licensees > News and Reminders) and the new FAQ at the SRPA's website (www.srpa.gov.hk).

選舉事務處的提醒

Reminder from the Registration and Electoral Office

監管局接獲選舉事務處的信函，有關該處確認未能尋回一本 2016 年立法會換屆選舉的選民登記冊。

該處希望提醒各持牌人，要採取適當的預防措施，避免不法分子利用相關資料盜用他人身份從事犯罪活動，以保障客戶的利益。

The EAA received a letter from the Registration and Electoral Office ("REO") regarding an incident that a register of electors used for the 2016 Legislative Council General Election could not be found.

The REO would like to remind licensees to take necessary precautionary measures so as to avoid any possible crime by identity theft using the data concerned in order to protect the interests of the clients.

涉及違例發展的土地交易

Transaction of land involving unauthorised development

規劃署是根據《城市規劃條例》對違例發展進行規管。違例發展包括改變土地用途，以及進行未經許可的作業。

監管局接獲規劃署通知，該署希望提醒各持牌人，應建議客戶在購買或租用新界鄉郊土地前，先查核和確保有關土地用途或作業獲得法定圖則准許或只能在獲得城市規劃委員會的規劃許可後才能進行。

請瀏覽本局網頁（進入「持牌人」>「最新消息及提醒」）詳細閱讀相關單張。如有查詢，可聯絡規劃署（熱線：2231 5000 或電郵：enquire@pland.gov.hk）

The Planning Department enforces against unauthorised development under the Town Planning Ordinance, which includes change of land use and operation without permission.

The EAA was notified by the Planning Department that they would like to remind licensees to advise their clients to check and ensure the use of the land or operation is permitted under the relevant statutory plan or requires planning permission from the Town Planning Board before making a decision on purchasing or renting land in the rural New Territories.

Licensees may read the related pamphlet in detail which is in the EAA website (Licensees > News and Reminders). For queries, please contact Planning Department (hotline: 2231 5000 or email: enquire@pland.gov.hk).

聚焦小組會議

Focus group meeting

為與前線從業員直接溝通，監管局不時於不同地區舉行聚焦小組。最近一次聚焦小組會議於2019年6月4日在油塘區舉行。席間監管局人員向參加者介紹局方的最新消息，而前線持牌人則分享日常執業遇到的問題。



The EAA holds focus group meetings in different districts from time to time in order to have direct communication with frontline practitioners. The most recent focus group meeting was held in Yau Tong District on 4 June 2019. During the meeting, EAA representatives introduced the latest news of the EAA, while frontline licensees shared issues they encountered in their daily practice.



謝小玲女士
Ms Phoebe TSE Siu-ling

中國銀行（香港）有限公司
工商金融部總經理
General Manager, Commercial Banking Department,
Bank of China (Hong Kong) Limited
香港出口信用保險局諮詢委員會成員
Member, the Hong Kong Export Credit Insurance Corporation
Advisory Board
僱員再培訓局委員
Member, Employees Retraining Board
保險事務上訴審裁處成員
Member, Insurance Appeals Tribunal

監管局成員謝小玲女士 Ms Phoebe TSE Siu-ling Member of the EAA

本期《專業天地》專訪了監管局成員謝小玲女士，與各位持牌人分享她在金融行業中的豐富經驗。

In this issue of *Horizons*, we interview Ms Phoebe TSE Siu-ling, member of the EAA, to share with licensees her extensive experience in the financial industry.

問：根據你在金融行業的豐富經驗，地產代理應該採取怎樣的策略或態度來保持在現今物業市場上的競爭力？

Q: Based on your extensive experience in the financial industry, what kind of strategy or attitude should estate agents adopt to remain competitive in the property market nowadays?

答：其實地產代理行業與銀行業有些類似，大家都是服務性行業，也會接觸到金額不小的交易，提供的服務也會影響到客戶作出重大投資的決定。同樣地，行業的競爭也十分之大，以前人們常說「銀行多過米舖」，我相信地產代理店的數目也不相伯仲。因此，最重要是秉持良好的服務態度，凡事應以客人的角度出發，瞭解客人的需要，而不是一味硬銷；同時要具備專業能力，對市場狀況熟悉，能向客人提供專業意見；當然保持誠信更是十分重要，因若得不到客人的信任，彼此關係便難以維繫，生意也就無從做起。就如監管局最新推出的宣傳計劃的口號一樣，一個優質

A: In fact, there are similarities between estate agency business and the banking industry as they are both service industries. Practitioners of both industries will deal with transactions involving large sums of money and their services will affect their clients' decision in making a major investment. In addition, the competition in both industries is also very intense. In the past, people always say that there are more banks than rice shops, but I think the number of estate agency shops is no less than the branches of banks in Hong Kong. A good service attitude is of utmost importance which includes thinking from the clients' perspective and understanding the clients' needs instead of blindly hard-selling. At the same time, practitioners must be professional and be familiar with the market conditions, and be able to give professional advice to clients. Integrity is of course even more important. If one cannot earn the trust of clients, the relationship will be difficult to maintain and a deal cannot be closed. Just like the

的地產代理必須具備「三言兩與」，即「言出必行」、「言之有物」、「言而有信」，和「與時並進」、「與客同行」，才能保持在現今物業市場上的競爭力。

問：上面提到「專業」是地產代理最重要的品質之一，你建議他們可以做些甚麼以提升專業水平？

答：持續進修有助提升專業水平。監管局提供了不少培訓的機會。建議代理必須參與持續進修，做到「與時並進」，對最新的法規要求、市場的走勢等有充分的了解，提升自身專業水平；正所謂「一分耕耘、一分收穫」，裝備好自己有助於提供專業意見，贏得客戶的信任，爭取到生意，與客戶也會保持良好的長遠關係，客戶也會更樂意轉介生意給你。

問：作為銀行業的高層管理人員，你可否與地產代理公司的管理層分享一些建議，如何可有效地監督前線員工，尤其是令他們更加守法循規？

答：銀行業是在高度監督和規管的環境中營運。借鑒他們的經驗，我會建議地產代理公司的管理人員，首先應該以身作則，明確指出「守法循規」是公司的底線，通過會議及不同管道將這要求清晰地傳達公司各層級。其次，可以設立一個客觀的獎懲制度，鼓勵守法循規行為，而對於任何的違規行為，即使違規者是一個表現突出的銷售人員，也不應有任何包庇容忍。另外，也要有一個良好的監察及匯報機制，能夠追查到實際執行的情況。例如指定行為監督負責人，或委派神秘顧客、也可以作出抽檢等。當然最重要的是應要培育出發自內心「守法循規」的公司文化，這是最具挑戰性也需要最長時間才能做到，假如公司員工的流動性高就更加困難，但這應該是每間公司追求的內部管治的最高境界。希望和各地產代理公司高層一起繼續努力。

slogan of the latest EAA's publicity promotion, a quality estate agent should have good "5A" qualities namely "Adherence", "Ability", "Accountability", "Advancement" and "Affinity", so as to remain competitive in the property market nowadays.

Q: It was mentioned above that being "professional" is one of the most important qualities of estate agents. What would you recommend them to do to enhance their professional standards?

A: Continuing education can help enhance professional standard. The EAA has provided many training opportunities. I advise that estate agents must participate in continuous training in order to attain "Advancement" in their professional standard and have a thorough understanding of the latest regulations and market trends. Hard work will pay off. Well equipping yourself will help provide professional advice and win the clients' trust. It helps business and can maintain a good long-term relationship with your clients, and as a result they will be more willing to refer businesses to you.

Q: As top management in the banking industry, could you share some tips with the management of the estate agency companies on how to effectively supervise their frontline staff, in particular for better compliance?

A: The banking industry is operating under a highly supervised and regulated environment. Borrowing their experience, I would recommend that the management of the estate agency companies ought to lead by example at first and specify that compliance is the bottom line of the company. They should convey this requirement to different levels clearly and carefully through meetings and different channels. Secondly, an objective award and sanctioning system could be set up to encourage compliant behaviours and there should be no tolerance for any breaches, even if the non-compliant staff is a top salesman. In addition, there must be a good monitoring and feedback mechanism that can keep track of the actual implementation, such as assigning officer in charge for behavioural supervision, deploying "mysterious customers" or conducting random inspections. Of course most importantly a heart-felt culture of compliance should be fostered within the company. This goal is the most challenging and will need a long time to achieve. It will be more difficult if the staff turnover rate is high, but it is the highest level of corporate governance that every company should aim for. I hope that the top management of estate agency companies will continue to work hard with us.

誠信與你

Integrity in Focus

紀律研訊個案 Disciplinary hearing case

以不正當手法向村屋買家收取金錢

Obtaining money from village house purchaser by improper practice

引言

持牌人必須時刻保持誠信，尤其不可以不正當手法向客戶收取金錢，否則會嚴重破壞行業聲譽，並會被監管局紀律處分。

Introduction

Licensees must always act with integrity and must not obtain money from their clients by improper practice. Otherwise, the reputation of the trade will be seriously tarnished and they will be subject to disciplinary action by the EAA.

事件經過

一名營業員在一宗村屋交易中代表買家，在安排對方視察物業後，向該買家表示，他須向其額外支付 8 萬元，以作為給予賣方的「兄弟費」，並表示有關要求是由賣方提出，是村內的普遍做法。然而，事實上，賣方並沒有作出有關要求。後來，該買家從鄰居得悉，他們從未向賣方支付所謂的「兄弟費」。他懷疑受營業員欺騙，而報警求助，警方建議他向監管局作出投訴。監管局對個案進行調查，同時發現該營業員沒有在緊接訂立臨時買賣合約前，向該買家提供有關物業的土地查冊文本。

Incident

A salesperson represented a purchaser in a transaction of a village house. After arranging the purchaser to view the property, the salesperson told the purchaser that he had to pay him an additional fee of \$80,000, and the paid fee would be paid to the vendor's clansmen. The salesperson claimed that the fee was requested by the vendor and it was a common practice in the village but in fact the vendor had not made such a request. Later, the purchaser learnt from his neighbours that none of them had paid any additional fee to the vendor. Hence, the purchaser suspected he was being cheated by the salesperson and reported the matter to the Police. The police

suggested him to lodge a complaint with the EAA. During the EAA's investigation, it was also found that the salesperson had failed to provide a copy of the land search of the relevant property to the purchaser immediately before the provisional agreement of sale and purchase was entered into.



研訊結果

監管局紀律委員會認為，該名營業員違反了《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。」同時，他亦違反了該守則的第 3.2.1 段，即「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。」

考慮到個案的性質及該營業員的違規紀錄，紀律委員會決定就上述兩項的違規譴責該名營業員，罰款 \$3,000、暫時吊銷其牌照兩個月及附加條件於其牌照上，要求他於 24 個月內取得持續專業進修計劃下的 24 個學分，當中各 3 個學分須分別透過「專業操守及誠信科目」及「進行土地查冊」的講座或研討會獲取。

Result

The EAA Disciplinary Committee was of the view that the salesperson failed to comply with 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.” and 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 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.”

Having considered the nature and gravity of the case and the disciplinary record of the salesperson, the Committee, with regard to the two breaches, decided to reprimand the salesperson, impose a fine of \$3,000 and suspend his licence for two months. A condition was also attached to his licence requiring him to obtain 24 points under the CPD scheme in 24 months, among which at least three points should be gained separately from courses/seminars of “Professional Ethics and Integrity” and “Conducting a land search” respectively.



廖志明先生
香港新界地產代理商聯會永遠榮譽主席
Mr Liu Chi-ming
Life-long President of H.K.N.T. Estate
Agents & Merchants Association

業界意見 Comment from trade

監管局一向對從業員的職業操守要求嚴謹，絕對不會容忍任何有違誠信的行為。營業員及地產代理應以公平公正的態度對待每一位顧客，切勿心存僥倖，妄想可逃避懲處。

The EAA has stringent requirements on the conduct of practitioners and there will be no tolerance towards any dishonest behaviour. Salespersons and estate agents should act in an impartial and just manner to every client. They must not take chances and wish that they can escape sanction.

誠信與你

Integrity in Focus

安排買家在未有填上樓價的臨約上簽署

Arranging for a purchaser to sign a PASP with the property price left blank

引言

持牌人不可安排客戶在重要條款漏空的臨時買賣合約（「臨約」）上簽署，否則有機會被監管局紀律處分。

Introduction

Licensees must not arrange for clients to enter into a provisional agreement for sale and purchase ("PASP") with important terms left blank. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名營業員向一名準買家推介一個物業。在視察單位後，該準買家表示願意以不多於 1,150 萬元購入該單位。該營業員其後安排買家先行簽署一份漏空樓價資料的臨約，並向買家聲稱，他可以游說賣方以 1,150 萬元售出物業。該買家便把一張 20 萬元的支票交予營業員作為訂金。

數天後，該營業員告知買家，賣方只願意以 1,200 萬元出售該物業。買家拒絕，並要求營業員退回支票但不果。

及後，買家發現該營業員在未經他同意下，擅自在臨約的樓價一欄填上 1,200 萬元。買家最終停止兌現該支票，同時向監管局投訴。

Incident

A salesperson introduced a property to a prospective purchaser. After the inspection, the purchaser was willing to purchase the property at a price of not more than \$11,500,000. The salesperson then arranged for the purchaser to sign on a PASP with the property price left blank and told the purchaser that he could persuade the vendor to sell the property for \$11,500,000. The purchaser then gave a cheque of \$200,000 as the deposit to the salesperson.

A few days later, the salesperson informed the purchaser that the vendor would only sell the property at the price of \$12,000,000. The purchaser did not accept the price and asked the salesperson to return the cheque to him but in vain.

Later, the purchaser found out that the salesperson actually filled in the amount of \$12,000,000 as the property price in the PASP without seeking his consent. The purchaser finally dishonoured the cheque and lodged a complaint with the EAA.



研訊結果

監管局紀律委員會認為，該名營業員安排買家簽署一份漏空重要條款的臨約，違反了執業通告（編號 13-06(CR)）的規定。此外，在沒有得到買家的同意而擅自在臨約填上樓價，他同時亦違反了《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」。

考慮到個案的性質及該營業員的違規紀錄，紀律委員會就上述兩項違規決定譴責該名營業員、向其罰款 10,000 元、暫時吊銷其牌照 28 天及附加條件於其牌照上，要求他於 24 個月內取得持續專業進修計劃下有關「合規及有效管理」類別的講座或研討會共 24 個學分。

Result

The EAA Disciplinary Committee was of the view that the salesperson was in breach of Practice Circular (No.13-06(CR)) by arranging for the purchaser to sign a PASP with essential terms of the transaction left blank. In addition, by filling in the property price in the PASP without the purchaser's consent, the salesperson was in breach of paragraph 3.4.1 of the *Code of Ethics*, which stipulates: "estate agents and salespersons, in engaging and accepting an appointment as an agent, should protect and promote the interests of their clients, carry out the instructions of their clients in accordance with the estate agency agreement and act in an impartial and just manner to all parties involved in the transaction".

Having considered the nature and gravity of the case, and the disciplinary record of the estate agent, the Committee, with regard to the two breaches, decided to reprimand the salesperson, impose a fine of \$10,000 and suspend his licence for 28 days. A condition was also attached to his licence requiring him to obtain 24 CPD points in 24 months by participating in courses/seminars of "Compliance and Effective Management".



郭昶先生
香港地產代理專業協會會長
Mr Anthony Kwok
President of Society of Hong
Kong Real Estate Agents Ltd.

業界意見 Comment from trade

根據《地產代理條例》及由地產代理監管局制訂的《操守守則》，持牌地產代理及營業員在買賣過程中，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。在填寫臨時買賣合約時，樓價一欄絕對不可漏空，在未得到客戶同意前，亦不可擅自更改樓價。

According to the Estate Agents Ordinance and the *Code of Ethics* promulgated by the EAA, estate agents and salespersons, in engaging and accepting an appointment as an agent, should protect and promote the interests of their clients, carry out the instructions of their clients in accordance with the estate agency agreement and act in an impartial and just manner to all parties involved in the transaction. The property price must not be left blank in the PASP and must not be amended before seeking the client's consent.

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，由今期《專業天地》起，我們會在這個「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, we will provide various information and updates about AML in the "AML Corner" starting from this issue of *Horizons*.

監管局最近優化了本局網頁的「反洗錢資訊專區」，讓持牌人更容易獲取更多有用資訊。「反洗錢資訊專區」設於「持牌人」欄目下，亦可於監管局網頁的「最新消息」中找到相關的超連結。閣下亦可把以下「反洗錢資訊專區」連結加至書籤名單中：www.eaa.org.hk/Licensees/Anti-Money-Laundering-AML-Corner

The EAA has recently optimised the "AML corner" on the EAA website to make it more informative and user-friendly for licensees. The "AML corner" is located under the section of "Licensee", or you may find the shortcut link under the "What's New" section on the homepage of the EAA website. Alternatively, you may bookmark the following link of the "AML corner": www.eaa.org.hk/Licensees/Anti-Money-Laundering-AML-Corner

監管局網頁的「反洗錢資訊專區」提供以下資訊：

The following information is available in the "AML corner" on the EAA website:

- 執業通告編號 18-01(CR) Practice Circular No.18-01(CR)
- 監管局刊物 Publications by the EAA
- 舉報可疑交易報告 Suspicious transaction report
- 反洗錢最新消息 Latest news on AML
- 其他有用連結 Other useful links
- 有關「反洗錢」的持續專業進修講座 AML-related CPD seminars

監管局特別強烈建議持牌人留意「反洗錢最新消息」一項，當中包括有最新恐怖分子名單、政府及財務特別行動組織的相關公布等最新資訊。

In particular, licensees are strongly advised to pay attention to the section "Latest news on AML" as this section includes the most updated terrorist list and also announcements from the government and the Financial Action Task Force.

即將舉行的「反洗錢」持續專業進修講座：
Upcoming AML-related CPD seminars:

| | |
|----------|--|
| 日期 Date | 24/07/2019 |
| 時間 Time | 15:00 - 17:00 |
| 題目 Topic | 身分核實表格 — 執業通告 — 通告編號 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 (預錄版本) Identity Verification Form - No.18-01 (CR) - Guidelines on Compliance of Anti-Money Laundering and Counter-Terrorist Financing Requirements for the Estate Agency Sector (Recorded Version) |

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：根據《地產代理條例》及《地產代理常規（一般責任及香港住宅物業）規例》，地產代理與出售住宅物業的賣方（或出租住宅物業的業主）訂立地產代理協議後，必須管有哪些關於該物業的資料？地產代理須採取哪些其他適當步驟？

答：為賣方（或業主）行事的持牌地產代理，在其為賣方（或業主）行事的整段期間（自地產代理協議的有效期的開始日起計），必須管有或控制訂明資料，包括有關該物業的政府租契年期尚餘期間、落成年份及物業用途。



除非持牌地產代理已管有上述訂明資料而該資料仍屬準確，否則他須於地產代理協議的有效期開始，就物業進行土地查冊。此外，持牌地產代理須按照表格列明的指示及指引，填妥「表格 1」/「表格 2」，包括：物業當時的擁有權、有效的產權負擔、樓面面積、擬批給政府租契的年期（如適用）等資料。

Q: According to the Estate Agents Ordinance and the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, what kind of information relating to the sale (or leasing) of a residential property must an estate agent obtain when entering into an estate agency agreement with the vendor (or landlord) of the property? What other proper steps the estate agent should take?

A: A licensed estate agent who acts for the vendor (or landlord) must have in his possession or under his control the prescribed information; including the unexpired term of the relevant government lease; the year of completion and the user of the property, during the full period when he so acts, starting from the commencement date of the validity period of the estate agency agreement.

Unless he has already possessed the above prescribed information and such information is still accurate, he is required to, on the commencement date of the validity period of the estate agency agreement, carry out a land search on the property. In addition, licensed estate agents are required to complete Form 1/Form 2 in accordance with the directions and instructions specified therein, including information on the current ownership, subsisting encumbrances, floor area of the property, the term of proposed government lease if to be granted, etc.

地產代理監管局實務證書課程 (第五期) - 證書頒授典禮

EAA's Certificate Programme in Practice (Fifth Series) - Certificate Presentation Ceremony



The fifth series of the EAA's Certificate Programme in Practice were held between October 2018 and March 2019. The ten classes received excellent support and had attracted 1,173 enrolments.

Ms Annie Fonda, Director of Operations and Professional Development of the EAA, presented certificates to licensees who completed the fifth series at a certificate presentation ceremony held on 28 May 2019. In spite of

地產代理監管局實務證書課程 (第五期) 已於 2018 年 10 月至 2019 年 3 月期間進行，持牌人反應熱烈，十個結構性課堂共錄得 1,173 人次參加。

地產代理監管局執行及專業發展總監方安妮女士於 2019 年 5 月 28 日舉行的證書頒授典禮頒發證書予完成實務證書課程 (第五期) 的持牌人。儘管就完成此課程有嚴格的要求，獲頒證書的持牌人均認為課程值得參與，亦歡迎透過單元測驗加深對課堂內容的理解，資深及新入行的持牌人均表示獲益良多。

地產代理監管局實務證書課程 (第六期) 已於 2019 年 4 月開辦，報名詳情請瀏覽監管局網頁：www.eaa.org.hk/zh-hk/CPD-Scheme/EAA-Certificate-Programme-in-Practice

(註：此課程以廣東話授課，監管局日後會考慮以英語授課的可行性。)

the stringent requirement of the programme, the certificate awardees commented that the programme was of great value for both new and experienced licensees in enhancing their professional knowledge and skills.

Enrolment for the sixth intake of the EAA's Certificate Programme in Practice has started in April 2019. For details, please visit the EAA website: www.eaa.org.hk/zh-hk/CPD-Scheme/EAA-Certificate-Programme-in-Practice

(Note: the programme will be conducted in Cantonese at this stage. The EAA will consider the feasibility of conducting the programme in English in the future.)

好・活動 Mark Your Diary

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:

認識香港綠建趨勢和如何理解新樓盤售楼書
的綠建資訊

舉行日期: 18/07/2019

時間: 15:00 - 17:00

活動模式: 講座 / 研討會

學分: 2

授課語言: 廣東話

地點: 香港青年協會大廈 10 樓 1001-1003 室

活動詳情: 掌握土地查冊

舉行日期: 27/08/2019

時間: 09:45 - 12:45

活動模式: 講座 / 研討會

學分: 3

授課語言: 廣東話

地點: 香港青年協會大廈演講廳

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

15/07/2019

26/07/2019

08/08/2019

20/08/2019

時間

15:00 - 16:30

查詢電郵: training@pcpd.org.hk

查詢電話: 2877 7130

Hong Kong Institute of Surveyors Annual Conference
(To be conducted in English)

21/09/2019

9:00 - 16:30

Website: www.hkis.org.hk/en/index.html

Enquiry: 2526 3679

照片回顧 Photos Recollection

2019-03-30

監管局於 2019 年 3 月 30 日舉辦一場題為「境外置業前 風險你要知」的公開講座，四位講者包括卓凌策略有限公司董事鍾維傑先生、監管局執業及考試委員會主席蕭澤宇律師 BBS 太平紳士、香港測量師學會前會長余錦雄測量師，以及監管局投訴及行動部主管陳汝儼律師。

公開講座吸引超過 300 名觀眾，講座的精華錄影片段已上載至監管局網頁及 YouTube 頻道。未來，監管局會繼續圍繞不同的物業交易主題舉辦公開講座。



The EAA held a public seminar titled “Know the risks when purchasing properties situated outside Hong Kong” on 30 March 2019. Speakers include Mr Stephen Chung Wai-kit, Director of Zeppelin Partners Limited; Mr Simon Siu Chak-yu, BBS, JP, Chairman of the EAA Practice and Examination Committee; Sr Yu Kam-hung, former President of The Hong Kong Institute of Surveyors; and Mr U-keng Chan, Head of Complaints and Enforcement Section of the EAA.

The seminar attracted an audience of over 300. Video highlights of the seminar had been posted on the EAA’s website and its YouTube channel. In future, the EAA will continue to hold public seminars on other topics concerning different property transactions.

照片回顧 Photos Recollection



2005 年 5 月
May 2005

推出持續專業進修計劃
Launch of CPD scheme



2006 年 6 月
June 2006

持續專業進修計劃嘉許獎章設計比賽
CPD Symbol design competition



2012 年 5 月
May 2012

監管局發出有關提供二手住宅物業「實用面積」的執業通告
Practice Circular on provision of floor area information for second-hand residential properties was issued

2017 年 6 月
June 2017

簽署《內地與香港關於建立更緊密經貿關係的安排》下的內地與香港地產代理專業資格互認計劃續約協議
Renewal agreement on the Mutual Recognition of Professional Qualifications for Estate Agents in the Mainland and Hong Kong under the Closer Economic Partnership Arrangement (CEPA)



統計數字 Statistics

考試 Examinations



參加人數 No. of candidates

1,351

合格率 Pass rate

34.9%



參加人數 No. of candidates

1,274

合格率 Pass rate

38.5%

牌照數目 (截至 2019 年 5 月 31 日)

Number of licences (As at 31/5/2019)



開立的投訴 (2019 年 1 月至 5 月)

Number of complaint cases opened

(January to May 2019)

120

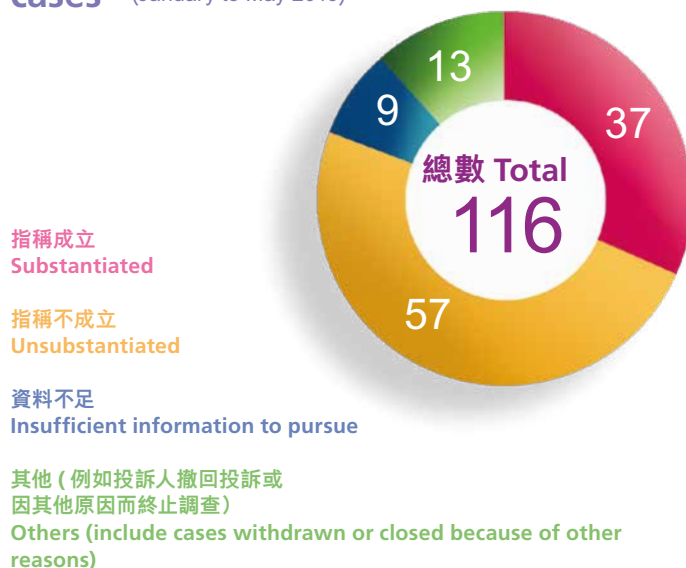
營業詳情說明書 (截至 2019 年 5 月 31 日)

Number of statements of particulars of business (As at 31/5/2019)



已處理的投訴個案結果 * (2019 年 1 月至 5 月)

Results of completed complaint cases* (January to May 2019)



* 部分是往年接獲的個案

some cases were carried over from previous years

統計數字 Statistics

巡查次數 (2019 年 1 月至 5 月) Number of compliance inspections (January to May 2019)



巡查發現主動調查的個案 (2019 年 1 月至 5 月) Number of cases arising from self-initiated investigations during inspections (January to May 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 5 月) Actions taken against licensees or ex-licensees* (January to May 2019)



行動 Actions Taken

訓誡 / 譴責
Admonishment/ reprimand
66

罰款
Fine
47

於牌照附加 / 更改條件
Attachment/ alteration of
conditions to licence
49

暫時吊銷牌照
Suspension
8

撤銷牌照
Revocation
15[#]

* 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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