

服務社區

為社區注入關懷與愛

SERVING THE COMMUNITY WITH
CARE AND LOVE



區區有「理」社區服務建議比賽截止日期延至2019年10月14日

Submission deadline for the Estate Agents Community
Service Proposal Competition extended to 14 October 2019

目錄 CONTENTS

01

總裁寄語
CEO's Message

02

專題報道
Cover Story

06

新聞速遞
News Express

12

人物誌
Portrait

14

誠信與你
Integrity in Focus

18

反洗錢專區
AML Corner

19

常見問答
Frequently-Asked-Questions

20

持續進修
CPD

21

好•活動
Mark Your Diary

22

照片回顧
Photos Recollection

24

統計數字
Statistics



韓婉萍
Ruby Hon Yuen-ping

行政總裁
Chief Executive Officer

“地產代理一向是每個社區的「地膽」，除了清楚區內不同樓盤和規劃發展之外，對社區的需要和特質都瞭如指掌，並擁有龐大人脈。”

“Estate agents have always been “experts” on every community in which they work. As well as knowing the different real estate developments and planning developments in the districts, they are well aware of the needs and characteristics of the community and have a huge people network.”

為社會注入正能量

Inject positive energy into society

受到近期的社會運動所影響，相信有不少地產代理的業務難免有所停滯。不過，筆者相信行業內大部份地產代理都曾經歷過風浪，對於應付市場的調節，都有豐富經驗。其實，正正在這段時間，更加是各位積極進修、提升專業服務水平的好時機，以便好好裝備自己靜候市場復甦，讓自己更具競爭力。

目前的香港社會，實在是需要多一些正能量，而作為紮根社區的地產代理，不如趁現在用實際行動去為香港注入正能量。今年六月時，筆者和近百位地產代理義工一起到大嶼山清潔海岸，就是其中一個好例子，表現出地產代理對社會的關懷。

其實，地產代理一向是每個社區的「地膽」，除了清楚區內不同樓盤和規劃發展之外，對社區的需要和特質都瞭如指掌，並擁有龐大人脈。

為了鼓勵地產代理加強和社區的緊密關係，藉此進一步提升地產代理的正面形象，局方剛剛推出了首個讓持牌人參加的「區區有『理』－社區服務建議比賽」，希望各持牌人能充分運用他們的脈絡，為身處的社區提出有意義、有溫度的社區服務建議，令街坊及市民明白到，地產代理除了提供專業的物業代理服務外，也同樣關懷他們植根的社區。

筆者衷心希望，是次比賽能激發起各地產代理的社區服務精神，拉近大家和街坊的距離，向市民表現出地產代理的優秀品質。是次比賽還得到各大地產代理商會支持，筆者鼓勵大家踴躍參加，用行動回饋社區和香港，正所謂「區區有理，服務社區，點少得你！」

Affected by the recent social movements, I believe that the businesses of many estate agents are inevitably stagnant. However, I also believe that most estate agents in the industry are experienced in coping with the volatility of the market. In fact, during this period of time, it is a good opportunity for you to actively participate in continuing education and enhance your professional service level, so that you can better equip yourself to prepare for market recovery and make yourself more competitive.

The current Hong Kong society does need more positive energy. As an estate agent who is rooted in the community, it is now the time to take action to instill positive energy into Hong Kong when business is relatively idle. In June this year, I joined with nearly 100 estate agent volunteers to clean the coast of Lantau Island. This showcased estate agents concern for Hong Kong society.

As a matter of fact, estate agents have always been “experts” on every community in which they work. As well as knowing the different real estate developments and planning developments in the districts, they are well aware of the needs and characteristics of the community and have a huge people network.

In order to encourage estate agents to strengthen their close relationship with the community and further enhance their positive image, the EAA has just launched the first “Estate Agents Community Service Proposal Competition” for licensees to participate in. Licensees can make full use of their networks to provide meaningful community service proposals for the community in which they are rooted, so that the neighbourhood and the public could appreciate that in addition to providing professional property agency services, estate agents also care for their communities.

I sincerely hope that this competition will stimulate the community service spirit of estate agents, bring them closer to their neighbourhoods, and demonstrate the excellent qualities of estate agents to the public. The competition is also supported by major trade associations. I encourage every one of you to participate and take action to contribute to the community and Hong Kong.



服務社區 為社區注入關懷與愛

Serving the community with care and love

不少從業員選擇投身地產代理業，正正為其「以人為本」的特質所吸引。由於工作關係，地產代理從業員不時要與不同人士建立關係，除要掌握客戶的要求外，也要協調各方的期望達致多贏，極富挑戰性，殊不簡單。透過協助客戶覓得心頭好的物業，其所獲得的滿足感便是不少從業員堅持這份工作的動力來源，更視地產代理為其終身事業。

無疑，經驗和人脈是地產代理行業的重要資產，兩者皆靠時間一點一滴累積而來。因此，地產代理憑藉其人際網絡和其對社區的熟悉度，在一個有利位置可以為香港社會作出貢獻。其實，現時已有不少地產代理積極從事社區服務，並從中獲得助人的滿足感。今期《專業天地》會為大家分享一下，各位持牌人可以如何做到關心社區的一份子。

Many practitioners choose a career in the estate agency sector because of the “people-oriented” nature of the industry. Estate agents have to build up relationships with different parties, understand the expectations of their clients, while coordinating with all parties to achieve “win-win” situations. Gaining satisfaction by assisting their clients to get their dream home is what motivates many estate agents to stay in this sector and treat it as their life-long career.

Experience and building up network are the essential assets of the estate agency trade and both take time. That said, with their people network and familiarity with the community, practitioners are in a perfect position to contribute to Hong Kong society. In fact, a number of estate agents already participate proactively in serving the community and enjoy the satisfaction that comes with helping others. In this issue of *Horizons*, we would like to share with you the ways estate agents show their care to the community.

從心出發 協助年邁街坊 Start by helping the elderly

不少地產代理一直熱心參與公益事務，由從事義工服務開始，如探訪老人院、參與慈善義賣活動、為長者理髮等，當中，地產代理人協會主席何潔芝女士 (Rosanna) 也不例外。

由於許多探訪及慈善義賣活動均為單一次性，Rosanna 有感一些獨居老人或許更需要持續的協助，於是便積極聯絡社區內的地產朋友，尋找這些長期面對生活不便的獨居老人，為他們出一分力。

「開始做義工時，多是參與一些簡單的探訪活動，但隨着探訪次數增多，便想做得更多。透過朋友認識了『家居維修義工協會』，由於其服務對象主要是獨居長者、傷殘人士及低收入家庭等，不用多想便決定加入，並介紹更多同道中人參與其中。」Rosanna 表示，每次「維修工程」的規模有大有細，簡單如更換門鎖、維修電器、水喉水箱，複雜如進行全屋翻新油漆工程、修補石屎剝落等等也有。由於義工們始終是門外漢，即使事前已完成維修課程，仍不是一件易事。然而，汗流浹背的背後，看到長者們流露出滿意的笑容，大家都覺得十分值得。

另外，「家居維修義工協會」的會員有不少是地產代理，與區內街坊稔熟，有助他們找尋更多有需要協助的獨居長者。而加入義工行列的成員，也可以在提供服務時實踐所學，作為免費實習，助人又助己，一舉兩得。



Some estate agents volunteer for charitable activities, such as visiting residential care homes for the elderly, taking part in charity bazaars and offering free hair-dressing to the elderly. Ms Rosanna Ho, Chairman of the Property Agents Association, is not an exception.

As visits and fund-raising for charities are usually “one-offs”, Rosanna believes the elderly need more consistent assistance. Thus,

she proactively contacts her estate agency friends who may know of elderly people who are struggling in their daily lives, and offers them a helping hand.

“When I started volunteering, I usually joined visits to care and attention homes for the Elderly. After several visits, I decided that I wanted to do more. I then learnt about the volunteer group ‘Repair Fairy’ from my friends and decided to join. The targets of the ‘Repair Fairy’ are the solitary elderly, disabled persons and low-income families. I encouraged my colleagues to join as well.” Rosanna said that each repair job is different in nature, from simple renovation like replacing door locks, fixing home appliances and repairing water pipes, to complicated projects such as painting walls and replastering. Despite taking trainings on how to carry out repairs, it is not an easy task for our volunteers as they are not professionals in this aspect. After all, the hard work and sweating will pay off when seeing the smiling faces of the elderly.

As some members of ‘Repair Fairy’ are estate agents, they can use their networks to identify more solitary elderly who need help. Being a volunteer one can share what have learnt by practising the skills on various renovation projects. Hence, both volunteers and the elderly benefit.



專題報道

Cover Story

身體力行

Take concrete action

這裏就為大家分享 Rosanna 其中一次「任務」。正式任務前，義工隊會先到受助的劏房戶進行視察及評估情況。評估後，便會開始一系列的準備工作。到了執行任務當天，由於單位所在的大廈沒有升降機，義工隊首先就要戰勝長長的樓梯。打開門一看，由於單位的牆身已殘破不堪，甚至出現石屎剝落的現象，傢俱雜物亦隨處都是。一行約 20 人的義工隊花了一整天時間為單位進行大變身。義工們除了為劏房戶事先設計及即場安裝新的傢俱外，亦為牆身重新油漆及維修石屎剝落的地方。雖然長時間的體力勞動令身體有點吃不消，但想到能為長者換來舒適安全的居住環境，便毫無怨言。

義工隊既要富心思，也要細膩。夾板、鏢絲、油漆掃、封邊等等，每種工具、每個工序也不可少。對於偶爾進行這些工程的義工們來說，實在是一大考驗。有時候，忘記帶齊足夠物料、忘記封好傢俱便開始油漆等烏龍事情實在難免，幸好大家仍會齊心合力完成任務，更從中領悟出「人多好辦事」、「齊心便事成」的真理。



Following is one of the “missions” that Rosanna has participated in. Before the mission the volunteer team conducted an inspection of the partitioned flat and evaluated the condition of the unit in need. After the evaluation they started the preparatory work. On arrival, the volunteer team had to firstly overcome the long stairway as there was no elevator in the building. Upon entering the flat they found serious damages to the walls with plaster peeling off from the ceiling and the flat was full of clutter. Around 20 volunteers spent the whole day carrying out renovation work. They assembled new furniture and decorated the flat according to the new design of the flat. They also painted the walls and repaired the area with crumbling plaster. Though exhausted after the heavy physical work, the volunteers got a sense of satisfaction as they had established a comfortable and safe living environment for the elderly.

The volunteer team members needed to be meticulous and thoughtful when using every tool and correctly follow every procedure to enable the repair work to run smoothly. It was a challenge for the volunteers as their experience was limited. Sometimes, they failed to bring the required materials or forgot to wrap the furniture before painting the flat. Luckily, the mission would be accomplished with perfect team work, which showcased the proverb “many hands make light work”.

尋求合作伙伴

Seeking partnerships in the community



談及未來，Rosanna 有意為更多不良於行或獨居長者提供更多支援，計劃尋求更多合作伙伴，亦會與設計師合作，研究如何在獨居長者家中加裝更多便利長者的生活設施，如扶手、防滑墊等，長遠而言，希望每區都有類似的義工計劃以幫助有需要的人。

正所謂「施比受更有福」，地產代理透過服務社區，擴闊其人際網絡之餘，也可建立口碑，體驗幫助他人的那種投入感與滿足感，感受一下助人自助的快樂！適逢監管局正舉辦「區區有『理』－社區服務建議比賽」，鼓勵大家組隊參加，發揮服務社區的精神。詳情請瀏覽：CSR2019.eaa.org.hk

As regards the future, Rosanna would like to provide more support to those with mobility difficulties and the solitary elderly by creating new partnerships. She is working with interior designers to study the possibility of installing elderly-friendly facilities in flats, such as handrails and skid-proof mats. In the long term, she hopes there will be similar volunteer schemes to help the elderly in every district.

As you may know “it is more blessed to give than to receive”. Estate agents are in a perfect position through their social networks and word of mouth contacts to help serve the community. Why not experience the satisfaction of helping those in need? In the meantime, the EAA is now organising “The Estate Agents Community Service Proposal Competition” and is now accepting entries. Licensees are encouraged to form teams to participate. Please visit CSR2019.eaa.org.hk for details.



監管局回顧 2019 年上半年工作概況

EAA's half year review 2019

地產代理監管局（「監管局」）於 2019 年 7 月 31 日向傳媒公布 2019 年上半年的工作概況，並簡介下半年的工作重點。

The Estate Agents Authority ("EAA") announced to the press about its work in the first half of 2019 and introduced its initiatives for the second half on 31 July 2019.

2019 年上半年，監管局共接獲 157 宗投訴個案，較去年同期減少 7%，數字錄得跌幅，反映從業員整體的合規情況有所改善。然而，有關「發出違規廣告」及「無牌從事地產代理工作」兩項投訴卻分別比去年同期增加 17 宗及 7 宗。

The EAA received a total of 157 complaints in the first half of 2019, a decrease of 7% compared to the same period of last year. The drop reflected an overall improvement in the compliance of practitioners. However, complaints regarding "issuing non-compliant advertisements" and "conducting unlicensed estate agency work" recorded a year-on-year increase of 17 cases and 7 cases respectively.

有關一手住宅物業銷售方面，監管局於 2019 年上半年共接獲 35 宗投訴個案，而有關一手樓盤銷售處的秩序問題則有顯著改善，出現零違規記錄。

監管局在 2019 年上半年共對 122 位持牌人採取行動或作出處分，合共撤銷了 19 個牌照及暫時吊銷 8 個牌照。



監管局早前推出「5A 代理」的宣傳計劃
"5A Agent" publicity campaign introduced by the EAA earlier this year

Concerning the sales of first-hand residential properties, there were 35 complaint cases received in the first half of 2019 while public order at the sale-sites of first-hand residential properties has seen significant improvement as zero non-compliance in this aspect were found during EAA's inspections.

The EAA has taken action or imposed sanctions on a total of 122 licensees in the first half of 2019. A total of 19 licences were revoked and eight licences were suspended.

另外，2019 年上半年參與資格考試的考生人數，按年上升 11%；而截至 2019 年 6 月 30 日的個人牌照數字，則較去年年尾稍微下跌至 39,773 人。

踏入 2019 年下半年，監管局會繼續加強對業界就反洗錢及反恐怖分子資金籌集方面的教育。另外，雖然有關購買境外物業的投訴數字在 2019 年上半年有所減少，局方會繼續教育消費者提高警覺，保障自身利益。

此外，繼早前推出宣傳「5A 代理」正面形象以提醒地產代理業界為消費者提供優質服務之外，監管局會繼續舉辦更多的企業社會責任活動並邀請業界參與，藉以進一步提昇業界的公眾形象及專業水平。

Separately, the total number of candidates sitting for qualifying examinations recorded a year-on-year increase of 11% whereas the number of individual licences as of the end of June 2019 was 39,773, a slight decrease compared to the end of last year.

Stepping into the second half of 2019, the EAA will continue to strengthen the trade education on the subject of anti-money laundering and counter-terrorist financing. Moreover, the EAA will continue to educate consumers on the points-to-note when purchasing properties situated outside Hong Kong, despite the fact that a drop of relevant complaints was recorded in the first half of 2019.

In addition to promoting the positive image of “5A Estate Agent” to remind the estate agency trade to provide quality service to consumers, the EAA will initiate more Corporate Social Responsibility (“CSR”) activities with the estate agency trade in order to further enhance the public image and professional standard of the trade.

監管局出版新小冊子「紀律研訊案例選輯 - 第五輯」

EAA published a new booklet “Inquiry Hearing Cases – A Selection V”

為加深持牌人對處理物業交易相關規例要求的了解，監管局推出了一本名為「紀律研訊案例選輯 - 第五輯」的新小冊子。

In order to enhance licensees’ understanding of the relevant regulatory requirements when handling property transactions, the EAA has published a new booklet titled “Inquiry Hearing Cases – A Selection V”.

該新小冊子透過真實的紀律研訊個案，讓持牌人清楚了解他們在執業時應遵從的相關規例、指引及守則。

該小冊子可於監管局網頁 (www.eaa.org.hk) 內下載。持牌人及公眾也可親臨監管局辦事處免費索取，數量有限，派完即止。



The new booklet illustrates the relevant regulations, guidelines and ethics that licensees should comply with in their practice through real inquiry hearing cases.

The booklet can be downloaded from the EAA website (www.eaa.org.hk). Licensees and the public may also obtain a free printed copy of the booklet at the EAA office while stock lasts.

監管局舉辦「區區有『理』－社區服務建議比賽」

The EAA introduces Estate Agents Community Service Proposal Competition



憑着其人際網絡、與街坊的聯繫以及對身處社區的認識，地產代理從業員其實處於有利位置，在推動香港經濟以外，為社會作出貢獻。為了鼓勵地產代理投入社區服務，監管局於 2019 年 8 月舉辦首個「區區有『理』－社區服務建議比賽」（「比賽」）。比賽現已開始接受持牌人報名。

比賽以隊制形式舉行，隊員數目為最少三人、最多八人，參加者可跨公司、跨地區與不同的持牌人組隊參賽。每組參賽隊伍須找出其隊員所在的社區的需要或特質，提出相關的社區服務建議。初選評審小組會對建議書進行評審，選出入圍隊伍。入圍隊伍須在 2019 年 12 月至 2020 年 3 月期間落實展開執行相關建議書，並在及後向終審評選小組介紹其建議書概念及實行成果，從而競逐獎項。監管局鼓勵持牌人把握機會，踴躍參加比賽，秉承服務社會的精神，向市民表現出地產代理的優秀品質。

報名截止日期已延長至 2019 年 10 月 14 日。有關比賽詳情及報名，請瀏覽 CSR2019.eaa.org.hk

By virtue of their network, connections within their neighbourhoods and understanding of their local communities, estate agents are in a good position to make contributions to the society, in addition to promoting the economy of Hong Kong. In order to encourage estate agents to serve their community, the EAA introduces its first Estate Agents Community Service Proposal Competition ("the Competition") in August 2019 and calls for submissions from licensees.

Estate agents can participate in the Competition in teams of three to eight members, whom can come from the different estate agency companies or different districts. Participating team will need to propose community service based on the features and needs of the communities that one of the team members working in. The Preliminary Judging Panel will review the submitted proposals and select the shortlisted teams. The shortlisted teams are required to implement their proposals and launch the community service between December 2019 and March 2020. They will then present the concept and outcome of their proposals to the Final Judging Panel in order to compete for the awards. The EAA encourages licensees to grasp the chance and participate in the Competition, so as to sustain the spirit of serving the society and present the estate agents' excellent quality to the public.

The deadline for proposal submission has been extended to 14 October 2019. For the Competition details and submission, please visit CSR2019.eaa.org.hk

監管局獲頒兩項國際獎項 EAA awarded in international competitions

監管局最近參加了兩個有關宣傳計劃及刊物的國際比賽，並欣然宣布榮獲以下獎項：

首先，監管局榮獲房地產牌照司法人員協會（ARELLO）頒發教育獎（消費者教育）。ARELLO 是一個推動地產代理業規管及政策制定機構互相交流的國際組織。監管局推廣委託「5A 代理」的宣傳計劃被選為今年的教育獎得主。

The EAA recently participated in two international competitions in relation to its promotional activities and publications and is pleased to announce that it has been granted the following awards:

Firstly, the EAA won the Education Award granted by the Association of Real Estate License Law Officials ("ARELLO"), which is an international organisation to facilitate the exchange of information and cooperation among regulators and policy makers in the area of real property. The EAA's promotion of the importance of appointing an estate agent with "5A" qualities was selected by ARELLO for the award this year.



新聞速遞

News Express

另外，監管局 2017/18 年報獲得國際大獎 ARC Award 銅獎。ARC Award 是國際知名的獎項，為年報設計提供高水平的競賽平台。

監管局將繼續在規管地產代理業的執業及保障消費者權益上追求卓越；並支持業界的專業發展以獲取社會的認同。

Secondly, the EAA won a Bronze award in the International ARC Awards competition for the EAA's Annual Report 2017/18. The ARC Award is a globally recognised competition which provides a platform for the highest standards in the annual report industry.

The EAA will continue to strive for excellence in regulating the practice of the estate agency trade, for the protection of consumers' interests; and supporting the development of an estate agency profession worthy of the recognition of the community.



一手住宅物業銷售條例 - 新增常見問答

Residential Properties (First-hand Sales) Ordinance – New frequently asked question and answer (“FAQ”)

監管局收到一手住宅物業銷售監管局來函，告知該局已於 2019 年 7 月 19 日發出有關提供銷售文件及經修改的銷售文件的新增常見問答第 1.9 題。

該新增常見問答第 1.9 題是關於提供公契圖則予公眾閱覽的規定，監管局建議持牌人瀏覽該局網頁 (www.srpa.gov.hk/files/pdf/faq/150429/FAQs_on_making_available_for_various_documents_Chi.pdf)，以閱讀上述新增的常見問答。

The EAA received a letter from the Sales of First-hand Residential Properties Authority (“SRPA”) regarding its issuance of a new FAQ on Making Available of Sales Documents and Revised Sales Documents, i.e. FAQ 1.9 on 19 July 2019.

The new FAQ 1.9 is about the requirement of making available the Deed of Mutual Covenant Plans for inspection by the general public. Licensees are advised to read the abovementioned new FAQ on the SRPA's website: www.srpa.gov.hk/files/pdf/faq/150429/FAQs_on_making_available_for_various_documents_Eng.pdf

關於業主繳納差餉及/或地租的建議

Advice to Property Owners on Rates and/or Government Rent Liability

差餉物業估價署（「估價署」）最近發文建議持牌人，在物業交易之前，提醒其客戶有關繳納差餉及/或地租以及查閱並繳清所累欠的差餉及/或地租的責任。任何逾期未繳納的差餉及/或地租均會被徵收附加費，政府也可採取法律行動追收欠款。

監管局鼓勵持牌人參閱估價署的相關宣傳單張：
www.rvd.gov.hk/doc/tc/RVD1054_2007_10.pdf

如需進一步資料或查詢，請致電估價署查詢熱線 2152 0111 或瀏覽該署網頁：www.rvd.gov.hk

The Rating and Valuation Department ("RVD") has recently issued an article to advise licensees to remind their clients of the liability of rates and/or Government rent and the responsibility to check and clear any outstanding balance of rates and/or Government rent prior to the transaction of the property. Any outstanding balance of rates and/or Government rent will be imposed as a surcharge for late payment and the Government may take legal action to recover the outstanding amount.

The EAA encourages licensees to refer to the related leaflet of RVD at:
www.rvd.gov.hk/doc/en/RVD1054_2007_10.pdf

For any further information or enquiries, please contact the RVD's hotline at 2152 0111 or visit its website at www.rvd.gov.hk

土地註冊處的電視宣傳短片

Television announcement in the public interest (TV API) of the Land Registry

監管局獲土地註冊處通知，該處已於 2019 年 7 月 19 日推出有關「物業把關易」的電視宣傳短片。

「物業把關易」服務便利香港物業業主對其物業的狀況保持警覺，從而保障他們的物業。土地註冊處建議持牌人向業主客戶介紹該服務，尤其經常在香港以外地方逗留的業主。

該電視宣傳短片主要介紹「物業把關易」的優點，持牌人可到該處網頁閱覽上述宣傳短片：
www.landreg.gov.hk/tc/services/services_e.htm

The EAA was informed by the Land Registry ("LR") regarding the launch of its TV API on Property Alert on 19 July 2019.

The service of Property Alert provides the owners of Hong Kong properties with an easy way to remain vigilant in order to protect their properties. The LR recommended licensees to introduce the service to property owner clients especially for those who usually stay outside Hong Kong.

The abovementioned TV API introduces the benefits of the Property Alert Service. Licensees may watch it at the LR's website: www.landreg.gov.hk/en/services/services_e.htm



藍德業資深大律師
Mr Douglas LAM Tak-yip, SC

德輔大律師事務所資深大律師
Senior Counsel, Des Voeux Chambers
保險事務上訴審裁處主席
Chairperson, Insurance Appeals Tribunal
上訴審裁團 (建築物) 主席
Chairman, Buildings Appeal Tribunal
獨立監察警方處理投訴委員會成員及法律事務委員會主席
Member of the Independent Police Complaints Council and Chairman of the Legal Committee
行政上訴委員會暫委主席
Deputy Chairman, Administrative Appeals Board
證券及期貨事務監察委員會紀律研訊主席委員會委員
Member, SFC Disciplinary Chair Committee

監管局成員藍德業資深大律師

Mr Douglas LAM Tak-yip, SC Member of the EAA

本期《專業天地》專訪了監管局成員藍德業資深大律師，與各位持牌人分享他作為審理過不少研訊的紀律委員會成員，對地產代理的守法情況有何看法。

In this issue of *Horizons*, we interview Mr Douglas LAM Tak-yip, SC, member of the EAA, to share with licensees his views on the compliance of estate agents as a member of the Disciplinary Committee who has judged numerous inquiry hearing cases.

問：根據你在紀律研訊小組中的經驗，您認為地產代理應該糾正或改善的最常見問題是甚麼？

Q: Based on your experience in sitting on the inquiry hearing panel for disciplinary cases, what are the most common problem(s) you think that estate agents should correct or improve?

答：基於香港樓市快速發展的特質，香港的地產代理業務有可能是世界上最具挑戰性和競爭最激烈的。在一手物業市場中尤其如此，正如任何曾經歷過一個受歡迎新樓盤開售情況的人都可以證明這一點。而正因為生意競爭激烈，也意味着地產代理有時為了貪一時方便和加快速度（在大多數情況下都是這樣），便可能想到要鋌而走險。我認為地產代理（尤其是入行資歷較淺的）必須明白，這些經過多年來慎重考

A: Given the fast-moving nature of the property market in Hong Kong, the real estate agency business in Hong Kong is probably amongst the most challenging and competitive in the world. This is especially so in the first-hand property market, as anyone who has had the experience of going to the sales release of a popular new development will attest. The competitive nature of the business also means that there will sometimes be a temptation on the part of agents to cut corners, if only (in most cases) merely for purposes of perceived convenience or expedience. I think it is important for estate agents, especially those who are newer to the industry, to understand that the rules and code on conduct have been carefully thought out

慮和優化的規定和守則，其實是為了保護地產代理和客戶雙方、甚至是整個行業的利益而訂立的。

問：你對現時向地產代理施行的懲處水平有何看法？你認為對從業員違規情況有足夠的阻嚇作用嗎？

答：我認為重要的是要理解因為每宗個案的情況都有所不同，故對每宗個案所施行的懲處水平也存在着一定的靈活性。當然，為了保持一致性，紀律委員會會參考過去類似性質案件的判決。然而，紀律委員會同時也考慮多項因素來決定每宗個案的懲處水平，包括違規的嚴重程度、同一地產代理過去有否類近違規紀錄、業界的最新手法及求情因素等。總的來說我感到滿意，至今所施行的懲處水平已達到鼓勵業界守法循規的預期效果。

問：作為資深大律師和各種法律及紀律委員會的成員，你在審理個案並作出判決時，會考慮哪些最為重要的因素？

答：公正、客觀、對事實的全面理解、以及採取適用的原則，是審理任何個案的關鍵因素。以開放的心態去審理研訊也很重要。在閱讀個案文件後，很多時便會對個案產生一種看法。然而，有趣的是看到人們在與個案相關人士會面、並親自聽取他們的作證後，如何對個案的觀感產生變化。除了為每宗個案作出判決外，紀律委員會還有一項重要職能，就是為通常會成為監管局證人的地產代理客戶提供一個被聆聽的機會。雖然他們的申訴可能並不總是與監管局處理的投訴直接或完全有關，但重要的是紀律委員會聆聽他們的聲音，因為他們才是業界服務的最終使用者。

and refined over the years, and to appreciate that they are for the protection of both the estate agent and the client as well as to the benefit of the industry as a whole.

Q: What are your views on the current level of sanctions for estate agents? Do you think there is a sufficient deterrent effect on malpractice among practitioners?

A: I think it is important to understand that there is considerable flexibility to the level of sanctions applied in each case, as the circumstances of each case are different. Of course, to maintain consistency, the Disciplinary Committee is guided by past decisions on cases of a similar nature. However, the Disciplinary Committee takes into consideration a number of factors to tailor the level of sanctions to each case, including the seriousness of the breach, the existence of previous breaches of a similar nature by the same estate agent, recent trends in the industry and the existence of mitigating circumstances. On the whole, I am satisfied that the level of sanctions that have been applied has achieved the desired effect of encouraging compliance.

Q: As a practising Senior Counsel and member of various legal and disciplinary committees, what factors would you consider are the most important when you hear a case and decide its result?

A: Fairness, objectivity and a thorough understanding of the facts and the principles to be applied are critical factors for the hearing of any case. It is also important to approach the hearing with an open mind. There is often a temptation to form a view of a case merely from reading the papers. However, it is fascinating to see how one's impression of a case evolves after actually meeting the people involved in the case and hearing their evidence first hand. In addition to deciding the result of each case, the Disciplinary Committee also performs an important function of providing an opportunity for the clients of the agent in question, who will often be witnesses for the EAA, to be heard. Whilst their grievances may not always be directly or wholly relevant to the complaint by the EAA, it is nonetheless important for the Disciplinary Committee to lend a patient ear, as they are the ultimate users of the services provided by the industry.

誠信與你

Integrity in Focus

紀律研訊個案 Disciplinary hearing case

於電燈柱上張貼海報 Affixing poster on a lamp post

引言

持牌人不可在未經許可下於公眾場所張貼廣告招貼或海報，這行為不但有可能觸犯《公眾衛生及市政條例》，更會對行人及其他道路使用者造成滋擾。這違規行為會導致被監管局紀律處分。

Introduction

Licensees must not affix advertising bills or posters in public places without the requisite permission as this might not only be in breach of the Public Health and Municipal Services Ordinance, it may also cause annoyance to pedestrians and other road users. Such non-compliance may lead to disciplinary action by the EAA.

事件經過

在巡查期間，兩名監管局職員發現一枝電燈柱上張貼了一則二手住宅物業的廣告，該廣告的尺寸約為長 75 厘米、闊 45 厘米。

Incident

During an inspection, two EAA staff found an advertisement for a second-hand residential property affixed to a lamp post which was 75cm in length and 45cm in width.

由於廣告刊登了物業的售價及聯絡電話，監管局職員遂致電該聯絡電話調查。當得知該在未經許可下於公眾場所張貼廣告的違規行為被監管局發現後，該營業員最終承認該則廣告是他在未有通知其上司或取得其所屬地產代理公司的同意的情况下擅自張貼的。



As both the property selling price and a contact phone number were found on the advertisement, the EAA staff then called the contact person to investigate the suspected breach. After realising that his unpermitted posting of the advertisement was discovered by the EAA, the salesperson admitted that the advertisement was posted by himself without informing his supervisor or seeking the consent of the company he worked for.

研訊結果

監管局紀律委員會認為，該名營業員於電燈柱上張貼廣告，對他人構成滋擾，同時令地產代理行業聲譽受損，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營業員的違規紀錄，紀律委員會決定譴責該名營業員，並向其罰款 1,500 元。

Result

The EAA Disciplinary Committee was of the view that the salesperson affixed an advertisement on a lamp post, which may cause annoyance to others and bring disrepute to the trade. He 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 salesperson, the Committee decided to reprimand the salesperson and impose a fine of \$1,500.



吳元興先生
地產代理（從業員）總公會主席
Mr Evan Ng
Chairman of Estate Agent
Association

業界意見 Comment from trade

持牌地產代理在處理及刊登廣告時須遵守《地產代理條例》及監管局發出的執業通告的指引。倘若從業員沒有依循相關條例而擅自在電燈柱上刊登廣告，已屬違規。而在電燈柱上刊登廣告，不單影響市容，更有機會令途人或駕駛人士分心，所以業界應該秉持專業操守，切勿違規。

Licensed estate agents must comply with the Estate Agents Ordinance and the guidelines in the practice circulars issued by the EAA. Practitioners are in breach of the regulations if they post advertisements on lamp posts without the requisite permission. Such advertisements could distract both pedestrians and drivers. Hence, the trade should uphold their professional standards and be compliant.

誠信與你

Integrity in Focus

暫時吊銷牌照期間從事地產代理工作

Conducting estate agency work after a licence has been suspended

引言

持牌人在停牌期間不得從事地產代理工作，否則會被視為無牌從事地產代理工作而被轉介警方處理及留有案底，而監管局牌照委員會亦有可能採取跟進行動。

Introduction

Licensees must not conduct any estate agency work after their licence has been suspended. If they do so it will be regarded as practising unlicensed estate agency work and such an offence will be referred to the police which may result in a criminal conviction. In addition, the Licensing Committee of the EAA may also investigate the case.

事件經過

一名營業員在處理一宗住宅物業交易期間，在買賣雙方還未就樓價達成協議的情況下，安排買家先行簽署一份漏空樓價資料的臨約，並向買家表示他可成功游說賣方以買家心目中的價格出售該物業。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。結果，該營業員被譴責、罰款 10,000 元、暫時吊銷其牌照 28 天及附加條件於其牌照上。

Incident

A salesperson handled a transaction for a residential property. He arranged for the purchaser to sign a PASP with the property price left blank as the vendor and the purchaser had not yet reached an agreement on the property price. He told the purchaser that he could persuade the vendor to sell the property at the price the purchaser favoured. Later, the purchaser discovered that the salesperson had filled in the PASP with a property price of \$12,000,000 without seeking his consent. The purchaser cancelled the cheque and lodged a complaint with the EAA. As a result, the salesperson was reprimanded and fined \$10,000. His licence was suspended for 28 days with a condition attached.

其後，監管局接獲舉報，指該名營業員在停牌期間從事地產代理工作。監管局職員遂喬裝成客戶與該營業員接觸，並要求該營業員安排視察一個住宅物業。

Soon after the EAA received a report claiming that the salesperson was practising estate agency work during the suspension period of his licence. Therefore, an EAA staff pretended to be a client and contacted the salesperson asking for an appointment to view a residential property.

誠信與你 Integrity in Focus

在視察物業後，監管局職員向營業員表露其真正身分。營業員最終向監管局職員承認無牌從事地產代理工作。監管局其後將該個案轉介警方跟進，結果該營業員被檢控，並於法庭認罪，最終被判罰款 3,000 元及留有案底。

After viewing of the property, the salesperson admitted practising unlicensed estate agency work when he revealed that the client was the EAA staff. The EAA then referred the case to the police. The salesperson was finally charged by the police, fined \$3,000 and received a criminal record.

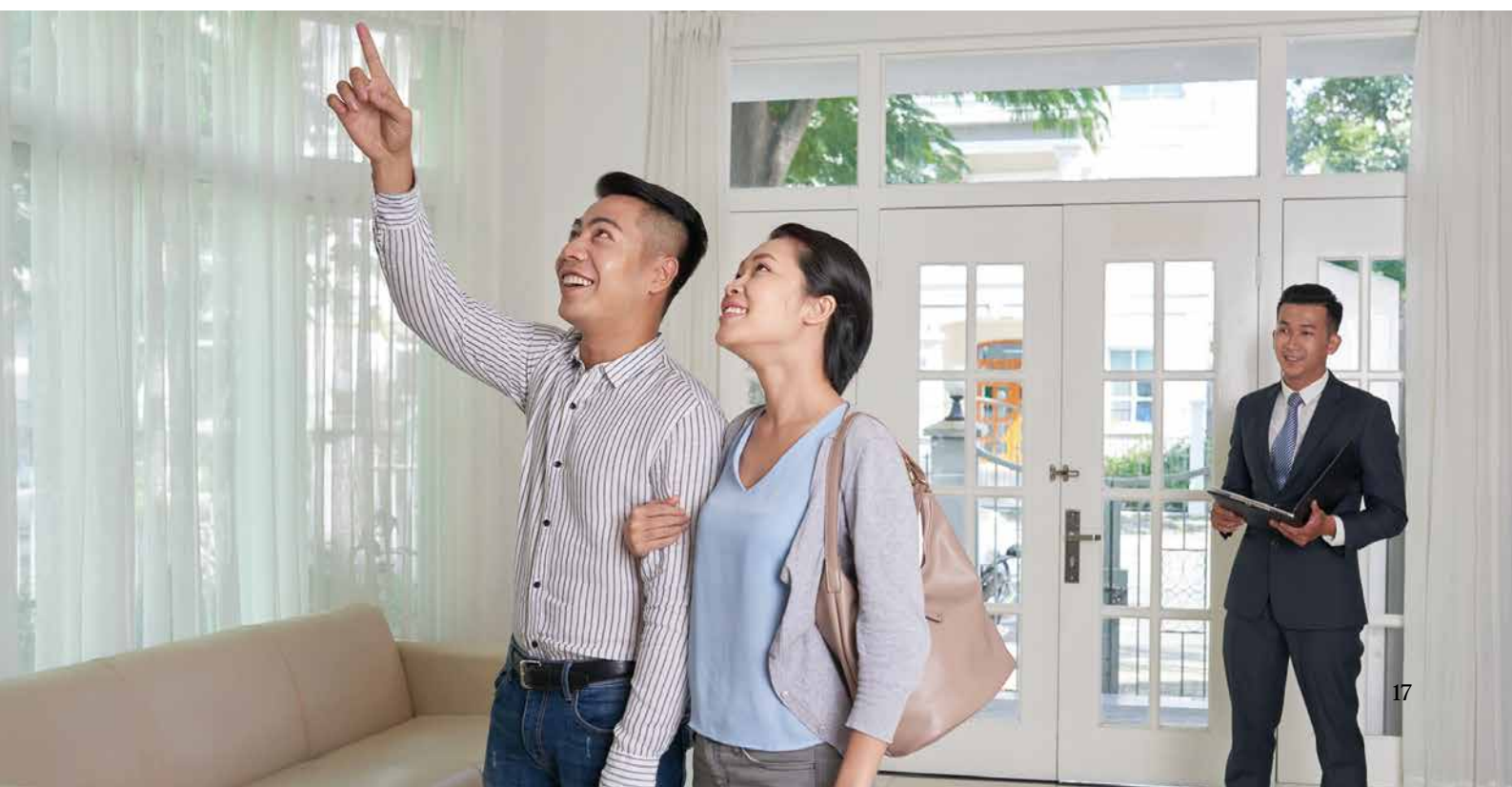


蕭亮鴻先生
地產代理人員協會副主席
Mr Keith Siu
Vice-chairman of Property Agents
Association

業界意見 Comment from trade

當事人理應在停牌期間好好自我反省；奈何他並沒吸取教訓，反而以身試法，最後更被定罪。雖然判罰金額輕微，但卻換來刑事案底。身為專業地產代理，必須要熟識及嚴格遵守地產代理條例和操守守則，切勿掉以輕心。

The salesperson should have reflected on his behaviour during the suspension period. However, as the amount of the fine was insignificant, the salesperson did not learn his lesson and went on to violate the law, which resulted in a criminal conviction. As a professional estate agent, one should be familiar with the Estate Agents Ordinance and the *Code of Ethics*. One should also be compliant and avoid violating the law.



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" .

財務行動特別組織（FATF）早前就香港打擊洗錢及恐怖分子資金籌集活動的成效進行成員相互評估，香港已被評為整體上合規及有效，成為亞太區內第一個達到整體上合規的司法管轄區。

鑑於反洗錢工作需要持續進行，監管局將繼續加強業界對相關條例的遵循；同時，地產代理業界也需要繼續努力，以確保反洗錢條例得以有效執行。

而為了進一步了解業界對反洗錢/反恐怖分子資金籌集的遵循情況，監管局設計了一份問卷，向地產代理公司收集資料。有關問卷的目的是全面評估業界面對反洗錢/反恐怖分子資金籌集的風險以及他們採取的措施，有助局方制定日後的監察及教育工作。持牌人可於監管局網頁下載該問卷：www.eaa.org.hk/licensing/documents/form14c_RC.pdf，並將填妥的問卷傳真或親身交予監管局。

Following the mutual evaluation conducted by the Financial Action Task Force (FATF) on the compliance and effectiveness of Hong Kong's anti-money laundering and counter-terrorist financing regime, Hong Kong has been assessed to be compliant and effective overall, making it the first jurisdiction in the Asia-Pacific region to have achieved an overall compliant result.

The EAA will spare no effort in enhancing the trade's compliance as AML is an on-going exercise. Likewise, the estate agency sector will also have to keep up its work to ensure effective implementation of the AMLO.

In order to better understand the trade's compliance in AML/CTF, the EAA has designed a questionnaire to collect information from estate agency companies. The questionnaire aims to assess the AML/CTF risks faced by the trade and the measures taken by them comprehensively, which would be useful for the implementation of supervising work and education by the EAA in future. Licensees can download the questionnaire at the EAA's website (www.eaa.org.hk/licensing/documents/form14c_RC.pdf) and submit the completed questionnaire to the EAA by fax or by hand.

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：在某人成為本人的客戶之前，本人必須告知該人哪些與我的牌照有關的資料？

答：持牌人必須告知該人他是持牌營業員／地產代理，以及其營業員／地產代理牌照號碼。

為遵從上述要求，持牌人可選擇於他們的名片上印上其姓名及牌照號碼。然而，他們須確保名片上的姓名與其牌照上指明的姓名或名稱相同。如有任何別名或其他稱謂，可於姓名或名稱後以括號附加。持牌人須留意，根據《地產代理條例》第 55(2)(a) 條，任何持牌地產代理或營業員如無合理辯解而在執業過程中使用其牌照上指明的姓名或名稱以外的其他姓名或名稱，即屬違法，一經定罪，可被罰款及／或監禁。



Q: What information about my licence do I have to inform a person before that person becomes my client?

A: A licensee must inform the person that the licensee is a licensed salesperson/estate agent and the number of his/her salesperson's/estate agent's licence .

To comply with the above requirement, licensees may choose to print their names and licence number on their business cards. However, in doing so, they must ensure that the name printed on their business cards is exactly the same as the name specified in their licence. Aliases or other names may be printed after the name in parentheses.

Licensees should note that under s.55(2)(a) of the Estate Agents Ordinance, a licensed estate agent or salesperson who, without reasonable excuse, uses any name other than the name specified in his licence in connection with an estate agency business, commits an offence. The offence may result in a fine and/or imprisonment.

持續專業進修活動 - 情緒控制與衝突管理

CPD Activity on Emotion Management and Skills in Dealing with Conflicts



In our daily life, we are faced with different emotions and their negative effects. Appropriate emotion management skills can turn negative emotions into positive forces. Positive emotions can improve productivity and performance. Conversely, negative emotions may trigger a range of physical and psychological problems and lead to conflicts with people. In order to enhance licensee's understanding of emotion management

在日常生活中，我們會面對不同的情緒反應及其帶來的負面影響，適當的情緒管理能將負面情緒轉化成為進步的正面動力。正面的情緒可以提升工作效率和表現，負面的情緒卻可能誘發一系列生理和心理問題，導致人與人之間的衝突。為加強持牌人對情緒管理的認識及了解引致情緒起伏的原因，監管局於 2019 年 8 月 21 日，邀請香港青年協會，舉辦了一個題為「情緒控制與衝突管理」的持續專業進修講座。

是次講座分為兩部份，第一部份由監管局代表向持牌人分享涉及情緒控制的違規個案。第二部份由香港青年協會代表講解情緒控制的長遠好處及自我身心放鬆的技巧、衝突管理的重點以及處理衝突的方法。

是次講座共有 67 名持牌人出席，參加者均對講座給予正面的評價和支持。

as well as the causes of emotional upheaval, the EAA had invited the Hong Kong Federation of Youth Groups to hold a CPD seminar titled "Emotional Control and Conflict Management" on 21 August 2019.

The seminar was divided into two parts. The first part was conducted by a representative of the EAA who shared with the licensees a number of non-compliance cases relating to emotional control. The second part, conducted by a representative of the Hong Kong Federation of Youth Groups, was about the long-term benefits of emotional control, skills of emotional awareness relaxation as well as conflict management and effective ways to deal with conflicts.

A total of 67 licensees attended this seminar and gave positive comments.

監管局舉辦的活動

Events held by EAA

「改建有風險
租買要留神」

公開講座

舉行日期：28/09/2019

時間：15:00 - 17:00

語言：以廣東話進行

地點：
香港九龍達之路78號
生力大樓4樓會議廳

報名方法：
登入 eaa.ievents.hk 登記

區區有「理」－社區服務建議比賽

Estate Agents Community Service Proposal Competition

比賽目的：

鼓勵地產代理找出其社區的需要，並提出相關的社區服務建議
Aim of competition:
encourage estate agents to identify the needs of the communities
and propose their community service

比賽形式：以隊制進行，隊員人數為3至8人

Form of competition: in team format with three to eight members

詳情請瀏覽：CSR2019.eaa.org.hk

For details, please visit: CSR2019.eaa.org.hk

其他相關活動

Other activities

個人資料私隱專員公署－《專業研習班》(以廣東話進行)

日期	時間	課程名稱	課程費用
11月1日	2:15pm - 4:15pm	私隱管理系統	\$750/ \$600*
11月7日	2:15pm - 5:15pm	資料保障與查閱資料要求	\$750/ \$600*
11月13日	2:15pm - 5:15pm	直接促銷活動的資料保障	\$750/ \$600*
11月26日	2:15pm - 4:15pm	物業管理的資料保障	\$750/ \$600*

* 只適用於個人資料私隱專員公署之保障資料主任聯會會員或支持機構成員。

查詢電郵：training@pcpd.org.hk

照片回顧 Photos Recollection

2019-06-19

監管局規管及法律總監梁德麗女士應邀出席中國房地產估價師與房地產經紀人學會於北京舉辦的「二〇一九中國房地產經紀年會」，並在開幕儀式上致辭。

The EAA's Director of Regulatory Affairs and General Counsel Ms Juliet Leung was invited to attend the "Annual Conference of the China Real Estate 2019" held by the China Institute of Real Estate Appraisers and Agents in Beijing. She delivers a speech at the opening ceremony.



2019-09-10



監管局主席梁永祥教授（前排右四）及行政總裁韓婉萍女士（前排左四）出席由香港地產代理商總會主辦的慶祝中華人民共和國成立七十週年暨第十六屆執行委員就職典禮。

The EAA Chairman Prof William Leung Wing-cheung (forth from the right, front row) and Chief Executive Officer Ms Ruby Hon Yuen-ping (forth from the left, front row) attended the Celebration Dinner for the 70th Anniversary for the Establishment of the People's Republic of China cum the 16th Executive Committee Inauguration held by the Hong Kong Real Estate Agencies General Association.

照片回顧 Photos Recollection



2007 年 7 月
July 2007

監管局代表出席立法會房屋事務委員會會議，討論有關在住宅物業的銷售說明中披露實用面積的事宜。

EAA representatives attend a meeting of the Panel on Housing of the Legislative Council to discuss the disclosure of saleable area in sales descriptions of residential properties.

2011 年 7 月
July 2011

內地與香港地產代理專業資格互認計劃的第一期培訓及考試順利完成
Completion of the first training course and examination for the scheme of mutual recognition of professional qualifications for estate agents in the Mainland and Hong Kong



2011 年 8 月
August 2011

監管局代表出席澳門的京港澳房地產法律論壇
EAA representatives attend "Beijing, Hong Kong and Macau Real Estate Law Forum 2011" in Macau



2011 年 8 月
August 2011

監管局首次舉行與前線持牌人的聚焦小組會議
First focus group meeting with frontline licensees conducted by the EAA



統計數字 Statistics

考試 Examinations



牌照數目 (截至 2019 年 8 月 31 日) Number of licences (As at 31/8/2019)



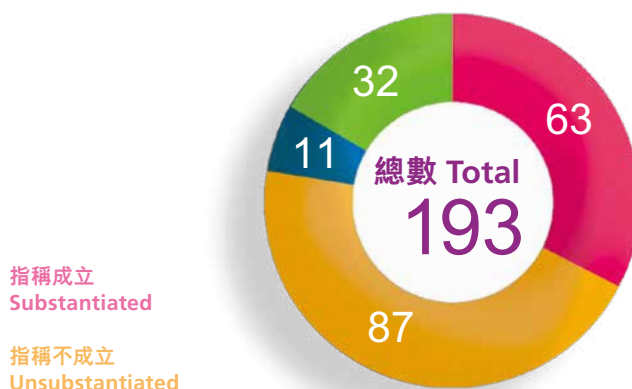
開立的投訴 (2019 年 1 月至 8 月) Number of complaint cases opened (January to August 2019)

210

營業詳情說明書 (截至 2019 年 8 月 31 日) Number of statements of particulars of business (As at 31/8/2019)



已處理的投訴個案結果* (2019 年 1 月至 8 月) Results of completed complaint cases* (January to August 2019)



資料不足
Insufficient information to pursue

其他 (例如投訴人撤回投訴或因其他原因而終止調查)
Others (include cases withdrawn or closed because of other reasons)

* 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 8 月) Number of compliance inspections (January to August 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 August 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 8 月) Actions taken against licensees or ex-licensees* (January to August 2019)



行動 Actions Taken

訓誡 / 譴責
Admonishment/ reprimand

110

罰款
Fine

83

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

83

暫時吊銷牌照
Suspension

13

撤銷牌照
Revocation

32[#]


* 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.



香港灣仔皇后大道東183號合和中心48樓4801室
Room 4801, 48/F, Hopewell Centre, 183 Queen's Road East, Wanchai, Hong Kong

 (852) 2111 2777

 www.eaa.org.hk

