



認識「簡約公屋」及 「過渡性房屋」

A look into Light Public Housing
and Transitional Housing



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韓婉萍
行政總裁

Ruby Hon Yuen-ping
Chief Executive Officer



此時此刻，地產代理必須保持積極和勤奮，才能取得成功。

At this moment, estate agents must remain positive and diligent in order to be successful.



在復常生活中保持積極和勤奮

Be positive and diligent in getting back to normal life

新冠疫情對香港所有人來說，都是一個艱難的時期，地產代理行業也不例外。終於，在旅遊限制和社交距離措施被取消後，經濟和我們的日常生活正在慢慢復常。

隨着經濟活動逐漸復甦，物業租買需求將可能反彈回升。那些因經濟不確定而猶豫是否搬屋或買樓的人，現在可能已準備好出動；而新的需求也會隨着就業情況逐漸穩定而回歸。

此時此刻，地產代理必須保持積極和勤奮，才能取得成功。在這方面，我希望向持牌人分享一些建議。

首先，持牌人應不時掌握資訊。讓自己了解與經濟和地產業相關的最新消息和發展非常重要。這有助地產代理為可能出現的任何變化或機會作出更佳準備。

其次，持牌人應適應在「新常態」時期發展出來的新科技。然而，請緊記在使用時要份外小心不要違規。

第三，持牌人必須專注於優質的客戶服務。這是成功的關鍵。作為一個專業的地產代理，應致力為客戶提供最好的服務，並確保所有交易都是妥善和公平地進行。

疫情過後的香港，地產代理同時面對挑戰與機遇。請放心，香港的長遠前景依然光明。不要忘記我們擁有健全的法制、良好的營商環境及其他良好素質等支撐這個世界級城市。對這個城市及其未來保持信心，將有助於激勵團隊並贏得更多客戶。堅持不懈的人，前景定是光明的。

The COVID pandemic has been a difficult time for everyone in Hong Kong, and the estate agency trade is no exception. Finally, after the travel restrictions and distancing measures have been removed, the economy and our daily lives are slowly returning to normal.

With economic activity resuming, demand for property purchases and rentals may likely rebound. Those who were hesitant to make a move or property purchase due to the economic uncertainty may now be ready to resume such activities; and the new demand will, as well, return as the employment situation stabilises.

At this moment, estate agents must remain positive and diligent in order to be successful. In this regard, I would like to share some suggestions with the licensees.

First, licensees should stay informed at all times. It is important to keep up-to-date with the latest news and developments relating to the economy and the property industry. This will help estate agents to be better prepared for any changes or opportunities that may arise.

Secondly, licensees should adapt to the new technologies developed during the "new normal" period. That said, please remember to pay extra care not to violate any regulations when doing so.

Thirdly, licensees must focus on quality customer service. This is the key to success. As a professional estate agent, one should strive to provide the best service to clients and ensure that all transactions are handled properly and fairly.

There will be both challenges and opportunities for estate agents in the post-pandemic era in Hong Kong. Please rest assured that the long-term prospects of Hong Kong remain strong and be mindful that we have a sound legal system, a favourable business environment and other fair attributes that underpin this world-class city. Having faith in the city and its future will help motivate teams and win more clients. The future is bright for those who persevere.



認識「簡約公屋」及過渡性房屋 A look into Light Public Housing and Transitional Housing

為盡快填補短期公營房屋供應不足的缺口，並改善居住於不適切居所市民的生活環境，《行政長官2022年施政報告》提出，由政府善用短期內並未落實長遠發展計劃的政府及私人土地，以標準簡約設計和「組裝合成」建築法快速興建約30,000個「簡約公屋」單位。與此同時，政府過去數年一直大力推動過渡性房屋發展，透過善用短期間

To fill the short-term gap of public housing supply at the soonest and to improve the living conditions of people living in inadequate housing, the Chief Executive's 2022 Policy Address has put forward that the Government will make use of government and private land, the long-term development plan of which will not be implemented in the near future, and adopt standardised simple design and the Modular Integrated Construction (MiC) approach to build about 30,000 Light Public Housing (LPH) units expeditiously. Meanwhile, the Government

置的土地及建築物，為有需要的人士提供短期居所。在本期《專業天地》中，我們為大家介紹這兩項房屋措施。

「簡約公屋」

政府將主導興建「簡約公屋」，目標是在未來五年內（即2023-24至2027-28年度）興建約30,000個單位，主要提供予輪候傳統公屋三年以上的申請者，以家庭申請者優先。結合「簡約公屋」和傳統公屋，未來五年（即2023-24至2027-28年度）的公營房屋總建屋量將增至約158,000個單位，較上一個五年期（即2022-23至2026-27年度）大幅增加約五成。

「簡約公屋」項目共涉及八幅土地，第一批「簡約公屋」項目位於元朗攸壆路、屯門第3A區、牛頭角彩興路和啟德世運道；而第二批「簡約公屋」項目則位於上水蓮塘尾、屯門第54區、柴灣常安街/常平街及小欖樂安排。如獲立法會財務委員會批准第一批「簡約公屋」項目，我們預計約2,100個在元朗攸壆路的「簡約公屋」單位最快可在2024-25年度落成，其餘14,900個單位分別將在2025-26和2026-27年度分階段落成。我們亦會盡快開展第二批「簡約公屋」項目（涉及約13,000個單位）的施工前期工序。

「簡約公屋」將提供不同大小的單位，包括可供一至二人入住的細單位，以至四至五人入住的大單位。「簡約公屋」每個單位均會設有獨立洗手間、淋浴間和開放式煮食空間，並會配備電熱水爐和位於洗手間的抽氣扇等基本設備。此外，屋邨會預留空間作休憩、居民互助及舉辦活動之用。

透過快速興建30,000個「簡約公屋」單位，政府預計可以在未來五年陸續協助至少80,000人，實實在在地即時改善他們的生活環境，讓他們在入住傳統公屋前，舒緩一下生活上面對的壓力，有一個可以安居的地方，重拾尊嚴及自信。

has been promoting the development of transitional housing in the past few years. By making better use of short-term vacant land and premises, we aim to provide short-term accommodation for those in need. In this issue of *Horizons*, we will introduce these two housing initiatives to our readers.

Light Public Housing (“LPH”)

LPH will be built under a Government-led approach. The target is to construct about 30,000 units in the coming five years (i.e. from 2023-24 to 2027-28). LPH will mainly cater for applicants who have been on the waiting list for traditional Public Rental Housing (PRH) for three years or more, with priority given to family applicants. Taking into account both LPH and traditional PRH, the overall public housing production will be increased to around 158,000 units in the coming five years (i.e. from 2023-24 to 2027-28). This represents a substantial increase of about 50% as compared to the previous five-year period (i.e. from 2022-23 to 2026-27).

The LPH projects involve a total of eight sites. The first batch of four LPH projects are located at Yuen Long Yau Pok Road; Tuen Mun Area 3A; Ngau Tau Kok Choi Hing Road; and Kai Tak Olympic Avenue. The second batch LPH projects are located at Sheung Shui Lin Tong Mei; Tuen Mun Area 54; Chai Wan Sheung On Street/Sheung Ping Street; and Siu Lam Lok On Pai. Subject to the approval of the Legislative Council (LegCo) Finance Committee (FC) on the first batch of LPH projects, it is estimated that about 2,100 LPH units at Yuen Long Yau Pok Road can be completed in 2024-25 at the earliest. The remaining 14,900 units will be completed in phases in 2025-26 and 2026-27 respectively. We will also commence the pre-construction activities for the second batch of LPH projects (involving about 13,000 units) as soon as possible.

LPH units will come in different sizes, ranging from small units for one to two persons to large units for four to five persons. Each LPH unit will be provided with a self-contained toilet, a shower area and open cooking space, and equipped with basic facilities such as an electric water heater and an exhaust fan in the toilet. Furthermore, open space will be reserved in the estates for leisure and event-organising purposes, and to facilitate mutual assistance among the residents.

By building 30,000 LPH units expeditiously, the Government anticipates that we will be able to steadily help at least 80,000 people in the coming five years to improve their living conditions promptly. These LPH units will serve as decent accommodation for the applicants to relieve pressure arising from their daily life, and to regain their dignity and self-esteem before they are allocated a traditional PRH unit.

過渡性房屋

立法會財務委員會於2020年3月6日通過撥款50億港元成立支援非政府機構推行過渡性房屋項目的資助計劃（資助計劃），以支援非政府機構推行過渡性房屋項目，預計可提供共10,000個過渡性房屋單位。資助計劃的撥款及後兩度獲立法會同意注資增加至116億港元，令整體供應目標進一步增加至20,000個單位。

在資助計劃下，政府促成了多個由非政府機構建議和營運的過渡性房屋項目，包括在空置私人住宅樓宇和空置政府處所內提供房屋單位，以及其他由不同非政府機構提出的措施，包括在空置的政府或私人土地上採用「組裝合成」建築法興建過渡性房屋，或把空置的非住宅樓宇（例如空置校舍或工業大廈）改建成過渡性房屋。政府已覓得土地提供超過20,000個過渡性房屋單位，截至2023年2月中，當中約7,000個單位已投入服務，預計未來兩年另外有約14,000個單位相繼落成。

過渡性房屋及將落實的「簡約公屋」能夠為居住在劣質「劏房」的家庭提供脫困的「救生艇」，大大舒緩他們的租金壓力，把節省下來的用作其他更有意義的用途，例如為下一代提供更好的教育資源，以至為個人發展增值等。政府未來會繼續大力支持和推動這兩項缺一不可的房屋項目。

請瀏覽房屋局網站（www.hb.gov.hk）以了解更多有關「簡約公屋」和「過渡性房屋」的資訊。

Transitional Housing (“TH”)

On 6 March 2020, the LegCo FC approved the allocation of HK\$5 billion to set up the Funding Scheme to Support Transitional Housing Projects by Non-government Organisations (the Funding Scheme) to assist Non-government Organisations (NGOs) in taking forward TH projects, for providing a total of about 10,000 TH units. Subsequently, with the approval by LegCo twice, the amount of funding commitment under the Funding Scheme has been increased to HK\$11.6 billion to further increase the overall supply target to 20,000 units.

Under the Funding Scheme, the Government has facilitated a number of TH projects proposed and operated by NGOs, including provision of housing units in privately owned vacant residential buildings and vacant government premises, and other initiatives by different NGOs including proposals of using MiC approach to construct TH on vacant government or private land, or converting vacant non-residential buildings (such as vacant school premises or industrial buildings) to TH. The Government has identified land for providing over 20,000 TH units. As at mid-February 2023, about 7,000 units have been put into service. It is anticipated that about 14,000 additional units will be completed and put into operation in the next two years.

TH and the upcoming LPH will provide an imperative “lifeboat” to those families living in “subdivided units” with poor conditions, which would greatly alleviate their rent pressure. These families can make use of the rent saved in a more meaningful way, from providing better education resources for their next generation to personal development, etc. The Government will continue to fully support and promote these two indispensable housing initiatives.

For more details about LPH and TH, please visit the website of the Housing Bureau at www.hb.gov.hk.



監管局回顧2022年工作 及簡介2023年工作重點

The EAA reviews its work in 2022 and introduces its initiatives for 2023

監管局於2023年1月30日舉行新聞發布會，由主席蕭澤宇先生BBS, JP及行政總裁韓婉萍女士回顧監管局在2022年的工作，並簡介2023年的工作重點。

蕭主席指出在物業市場淡靜之下，2022年只有9,087人次應考資格考試，比2021年減少了39%。個人牌照、公司牌照和地產代理商舖數字，按年亦同樣錄得跌幅。

監管局於2022年共開立273宗投訴個案，與前一年減少了18%。在最常見的投訴性質當中，「發出違規廣告」一類佔最多，也比2021年減少了45%。有關境外物業的投訴方面，2022年共有62宗，主要指稱涉及就保證租金回報作出失實陳述。

另外，2022年監管局亦有進行各樣巡查，其中抽查網上物業廣告合共1,393次，比2021年增加31%。

踏入2023年，監管局會因應法例及市況變化，適時向業界更新及發出指引。局方亦會繼續就各項主題作消費者教育，並會進一步向公眾推廣「5A代理」的概念。

The EAA held a press conference on 30 January 2023 at which its Chairman, Mr Simon SIU Chak-yu, BBS, JP, and Chief Executive Officer, Ms Ruby HON, reviewed the EAA's work in 2022 and introduced its initiatives for 2023.

Mr Siu pointed out that under the stagnant property market, the number of candidates attending qualifying examinations dropped to 9,087 in 2022, representing a decrease of 39% compared to 2021. The number of individual licences, company licences and estate agency shops also recorded a year-on-year decrease.

In 2022, 273 complaint cases were opened, 18% less than the previous year. The most common category of complaints was about "issuance of non-compliant advertisements", which also recorded a 45% decrease compared to 2021. Regarding complaints about non-local properties, 62 cases were opened in 2022 of which major allegations were about providing misleading information on guaranteed rental return.

On the other hand, the EAA also conducted numerous inspection checks in 2022, of which there were 1,393 spot checks on online property advertisements, representing an increase of 31% compared to 2021.

In 2023, the EAA will update/issue guidelines to the estate agency trade on matters arising from any changes in law or market situation. Consumer education on various topics will also continue to be enhanced, and the concept of the "5A agent" will be further promoted to the public.



監管局主席蕭澤宇先生BBS, JP (右) 及行政總裁韓婉萍女士 (左) 主持新聞發布會。

The EAA Chairman Mr Simon SIU Chak-yu, BBS, JP (right) and CEO Ms Ruby HON (left) host the press conference.

有關「經由持牌地產代理/營業員出租劏房」的新單張

New leaflet on “Letting of subdivided units by licensed estate agents/salespersons”

針對分間單位（俗稱「劏房」）「規管租賃」的《業主與租客（綜合）條例》第IVA部已於2022年生效，地產代理在確保劏房租賃符合條例要求上擔當不可或缺的角色。

有見及此，監管局發出執業通告（編號22-01（CR）），制定相關指引供持牌人遵從。監管局更推出了宣傳單張，概述執業通告的重點，讓持牌人更易於理解，並以此作為提醒。簡而言之，持牌人應：

1. 披露於交易中的行事身份
2. 通知客戶有關租住權保障和租金規管的要求
3. 向客戶解釋隱含的強制性條款
4. 提醒客戶留意相關罪行及分攤款項
5. 緊記加蓋印花及提交租賃通知書（表格AR2）

監管局鼓勵持牌人在處理劏房租賃時參閱該單張。監管局會於巡查時派發該單張到地產代理商舖，持牌人亦可到各區民政事務署索取。同時，單張的電子版本亦已上載至監管局網站（www.eaa.org.hk）的持牌人專區內。



Given that the “regulated tenancies” in respect of subdivided units under Part IVA of the Landlord and Tenant (Consolidation) Ordinance has taken effect in 2022, estate agents play an indispensable role in ensuring that the SDU tenancies are in line with the ordinance.

As such, the EAA issued Practice Circular (No. 22-01 (CR)) to provide relevant guidelines for licensees to follow. The EAA further launched a promotional leaflet summarising the key points of the Circular for licensees’ easy understanding and serves as a reminder. In short, licensees should:

1. Disclose their capacity in the transaction
2. Inform clients of the requirements on security of tenure and rent regulation
3. Explain to clients the implied mandatory terms
4. Draw clients’ attention to the relevant offences and apportioned amounts
5. Remember the stamping of tenancy and submission of Notice of Tenancy (Form AR2)



The EAA encourages licensees to refer to the leaflet for details when handling SDU tenancies. The leaflet will be distributed to estate agency shops during EAA’s visits and licensees could also obtain the printed copies at Home Affairs Enquiry Centres in various districts. The electronic version can also be viewed at Licensees Corner of the EAA website (www.eaa.org.hk).



「識揀識計數 • 置業基本步」

Facebook直播講座

Facebook live seminar “Back to Basics: Purchasing Properties”



(左起)新城財經台新聞部總監林潔瑩小姐、香港浸會大學財務及決策系副教授麥萃才博士、監管局規管及法律總監梁德麗律師，以及高力香港董事總經理劉振江測量師合照。

(From Left) Ms Grace LAM, News Controller of Metro Finance Radio; Dr Billy MAK Sui-choi, Associate Professor of Department of Finance and Decision Sciences, Hong Kong Baptist University; Ms Juliet LEUNG, Director of Regulatory Affairs & General Counsel of the EAA; and Sr LAU Chun-kong, Managing Director of Colliers International.

為重新提醒消費者在置業時要注意的事項，監管局於2022年12月17日舉辦了名為「識揀識計數 • 置業基本步」的Facebook直播講座。是次講座反應熱烈，錄得逾40,000次觀看講座錄影。

是次講座由新城財經台新聞部總監林潔瑩小姐主持。嘉賓講者包括香港浸會大學財務及決策系副教授麥萃才博士、高力香港董事總經理劉振江測量師，以及監管局規管及法律總監梁德麗律師。嘉賓分享對最新樓市走勢的看法、影響銀行估值及按揭的重要因素，以及如何選擇專業地產代理的實用意見。

大家可到監管局的消費者教育網站 (smart.eaa.org.hk)、監管局的YouTube頻道 (youtube.com/estateagentsauthority) 或新城財經台的Facebook專頁重溫講座的錄影。



To help consumers to refresh their memories on the points-to-note when purchasing properties, the EAA conducted a Facebook live public seminar named “Back to Basics: Purchasing Properties” on 17 December 2022. The seminar received an overwhelming response from the public, with over 40,000 views of the seminar video playback recorded.

The seminar was hosted by Ms Grace LAM, the News Controller of Metro Finance Radio. Guest speakers included Dr Billy MAK Sui-choi, Associate Professor of Department of Finance and Decision Sciences, Hong Kong Baptist University, Sr LAU Chun-kong, Managing Director of Colliers International and Ms Juliet LEUNG, Director of Regulatory Affairs & General Counsel of the EAA. They shared their views on the latest developments of the property market, including the crucial factors affecting property valuations and mortgages, as well as some practical tips for how to select professional estate agents.

To watch the playback video of the seminar, please visit the EAA's consumer education website (smart.eaa.org.hk), the EAA's YouTube channel (youtube.com/estateagentsauthority) or the Facebook page of Metro Finance Radio.

避免觸犯《競爭條例》

Avoid contravening the Competition Ordinance

臣工 管局於2023年1月11日發出一封致持牌人函件，就早前有四間地產代理公司在短時間內發出內部指引，要求其持牌員工於一手物業銷售中須遵守公司收取淨佣金不少於2%的指示，而事件引起有關競爭的關注一事，提醒持牌人一些相關事宜。

就上述地產代理公司的行為，競爭事務委員會已於2023年1月6日發出新聞稿 (www.compcomm.hk/tc/media/press/files/Property_PR_CH.pdf) 作出回應。

持牌人應注意，地產代理公司不得訂立任何協議或經協調做法以達致妨礙、限制或扭曲競爭的目的或效果。地產代理公司應自行決定其所收取的佣金率、向其客戶所提供的折扣、回贈及優惠；又或與客戶個別協商，而非採用或跟從行業內的標準佣金率或以任何形式集體訂定的佣金率。否則，有可能違反《競爭條例》下的「第一行為守則」。

因此，持牌人應緊記，不可以向客戶表示行內設有任何「慣性」或「劃一」佣金率，或表示所有其他地產代理公司所收取的佣金率也是一樣的。

持牌人也應加以注意，「合謀定價」可以多種形式作出，包括競爭對手之間就價格元素（例如折扣、回贈、促銷或其他優惠）；又或就取消或減少折扣達成的協議或共識，均是一種反競爭行為並有可能違反《競爭條例》；而違反競爭守則可被罰款（最高為公司年度營業額的10%，最長三年），取消董事資格令及/或其他制裁。

The EAA issued a Letter to Licensees on 11 January 2023 drawing licensees' attention to certain reminders relating to the competition concerns arisen from internal memos issued by four estate agency companies, at more or less the same time, directing their licensed employees to observe a minimum net commission of 2% in first-hand property transactions.

In view of the aforesaid actions of the estate agencies, the Competition Commission issued a press statement (www.compcomm.hk/en/media/press/files/Property_PR_EN.pdf) on 6 January 2023.

Licensees should note that estate agency companies must not enter into any agreement or engage in any concerted practices which have the object or effect of preventing, restricting or distorting competition. Estate agencies should instead make their own decisions as to the rate of commission to charge; or discounts, rebates and incentives to offer to their clients or negotiate individually with them, rather than adopting or following any so-called "standard" rate in the industry or a rate that is set collectively in any way. Failing which, they may contravene the First Conduct Rule of the Competition Ordinance.

Licensees should thus bear in mind that they should not tell their clients that there is a "customary" or "standardised" commission rate in the industry, or that all other estate agency companies would charge the same commission rate.

As a further word of caution, price fixing can take many forms. It includes agreement or consensus between competitors to fix elements of price such as discounts, rebates, promotions or other incentives; or to eliminate or reduce discounts, which is an anti-competitive practice that could contravene the Competition Ordinance; and a contravention

of the competition rule can result in pecuniary penalty (up to 10% of the company's turnover for a maximum of three years), director disqualification orders and/or other sanctions.



不恰當處置資助出售單位及公屋

Improper handling of the disposition of subsidised sale flats and public rental housing

就早前接獲香港房屋委員會（「房委會」）的來函，監管局已於2023年2月9日，於監管局網頁發出一則提醒。各持牌人應留意切勿作出或參與任何違反恰當處置資助出售單位或公屋的行為。

持牌人請於監管局網頁參閱有關提醒（「持牌人專區」>「最新消息及提醒」>「09/02/2023」）。如有任何相關疑問，請直接向房委會查詢。

The EAA issued a reminder notice on the EAA website on 9 February 2023, regarding a recent letter received from the Housing Authority ("HA"). Licensees are reminded not to commit or participate in any act that contravenes the proper handling of subsidised sale flats and Public Rental Housing.

Licensees are advised to read the reminder notice at the EAA website (Licensees Corner > News and Reminders > 09/02/23). For any related queries, licensees may enquire with the HA directly.

居屋第二市場計劃的相關文件修訂

Revision of documentation under the Home Ownership Scheme Secondary Market Scheme

監管局於2023年2月22日發出一封致持牌人函件，提醒持牌人留意，香港房屋委員會（「房委會」）已就居屋第二市場計劃的文件作出了修訂。

由即日起，持牌人在處理景泰苑單位買賣時，應使用新修訂的指定臨時買賣合約。同時，持牌人應留意由2023年4月1日起，必須採用新修訂的文件處理該計劃下的單位轉售事宜。

持牌人應閱讀已載於監管局網頁的相關致持牌人函件（持牌人專區>致持牌人函件>22/02/2023）。如有任何相關疑問，請按照該函件內提供的聯絡電話，向相關的房委會居屋第二市場計劃小組查詢。

The EAA issued a Letter to Licensees on 22 February 2023 regarding the revision of the documentation under the Home Ownership Scheme Secondary Market Scheme administered by the Hong Kong Housing Authority ("HA").

Licensees should use the new specified form of provisional agreement for sale and purchase ("PASP") when handling the sale and purchase of units for King Tai Court from now on and note that the updated version of the PASP must be used from 1 April 2023 onwards when handling the resale of units under the Scheme.

Licensees should read the above Letter to Licensees at the EAA's website (Licensees Corner > Letter to Licensees > 22/02/23). Should there be any related queries, please make enquiries to the relevant Secondary Market Scheme Unit of the HA through the contacts provided in the above Letter.

持續專業進修講座 一

樓宇及消防安全與現行的法規監管

CPD Seminar on "Building and Fire Safety and the Current Regulatory Framework"



為讓持牌人能夠認識與建築物條例相關的法訂命令及有關消防安全的法規要求，監管局於2022年12月23日舉辦了「樓宇及消防安全與現行的法規監管」的持續專業進修講座。監管局邀請了香港測量師學會代表李偉峰測量師擔任是次講座的主講嘉賓。

席間，李偉峰測量師講解常見的相關法定命令、消防安全的法規要求、強制檢驗計劃以及介紹市建局提供的不同資助計劃。是次講座共有154名持牌人出席，參加者均對是次講座給予正面的評價。

為了拓展持牌人不同領域的專業知識，監管局將繼續邀請不同的機構及專業學會代表就各方面的主題舉辦不同的講座及網絡研討會。

To enhance the licensees' understanding the statutory orders relating to the Buildings Ordinance and the regulatory requirements on fire safety, the EAA organised a CPD seminar on "Building and Fire Safety and the Current Regulatory Framework" on 23 December 2022. The EAA invited the representative of the HKIS, Sr DY Wai-fung, to be the guest speaker for the seminar.

During the seminar, Sr DY explained the common statutory orders, the fire safety regulatory requirements, Mandatory Inspection Schemes and various subsidy schemes offered by the Urban Renewal Authority. A total of 154 licensees attended the seminar and gave positive feedback on the seminar.

To broaden the expertise of licensees in different areas, the EAA will continue to invite representatives from different organisations and professional bodies to organise seminars and webinars on various topics.

緊記「三言兩與」－「言而有信」

Always be a “5A” agent – “A” for “Accountability”

監管局於2019年推出「5A」代理宣傳計劃，推廣專業地產代理應具備的「三言兩與」特質，提醒消費者委託具備該等特質的地產代理。自計劃推出以來，具代表性的「5A」代理廣受業界歡迎。

監管局會於《專業天地》中，提醒持牌人如何成為消費者尋求的「5A」代理。在今期的《專業天地》中，我們會談談「三言兩與」中的「言而有信」，亦即是英文「5A」代理中的第三個特質(Accountability)。

要成為擁有「言而有信」特質的地產代理，持牌人必須對客戶負責，保障客戶在地產交易中不因欺詐、失實陳述或不符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、培訓、資歷和經驗，向客戶提供專業服務和意見。

同時，隨著公眾對地產代理表現的期望不斷提升，地產代理公司也必須確保其員工具備履行職責及維持高服務水平的能力。

不但地產代理公司本身須對客戶負責，他們也須確保其員工也同樣對客戶負責。因此，地產代理公司應設立妥善的程序和清晰的指引讓員工遵循，提供及容讓他們參予足夠和合適的持續進修，持續及有效地監察其員工的行為，並制定制裁措施以懲處違規的員工，以預防及制止違規或不當行為的發生。

地產代理公司對員工施行有效的管治措施，能夠提升業界整體的守法循規和執業水平，從而令從業員成為「5A」代理。

The EAA launched the publicity campaign of the “5A Agent” in 2019 to promote the important “5A” qualities that a professional licensed estate agent should possess, and which consumers should focus on when appointing an estate agent. The iconic 5A Agent has gained popularity among the trade since then.

Here in *Horizons*, we will remind licensees how to become this “5A agent” whom every consumer will look for. In this issue, we will talk about the third “A-level” attribute – “Accountability”.

To become an estate agent with the attribute of “Accountability”, licensees 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.

In addition, with the continuously rising public expectations on the performance of estate agents, estate agency companies should also ensure that their staff members possess the competencies to deliver their duties and achieve consistently high levels of performance.

Not only estate agency companies themselves should be accountable to their clients, they should also ensure that their staff will be the same. Hence, estate agency companies should establish proper procedures and clear guidelines for staff to follow, provide and allow them to participate in sufficient and proper continuing training, monitor staff conduct continuously and effectively and set up sanctioning measures to sanction non-compliant staff to prevent and deter non-compliance or misconduct.

Estate agency companies implementing effective governance measures on employees can enhance the overall trade’s compliance and practice standard, which will subsequently lead the trade to become “5A” agents.





紀律研訊個案 Disciplinary hearing case

發布具誤導性的物業廣告 Issuance of misleading advertisements

引言

地產代理公司應確保其所發布的所有物業廣告不得包含任何虛假或具誤導性的陳述或詳情，並且必須在發布廣告前獲得物業擁有人的委託及書面同意。否則，有可能被監管局紀律處分。

Introduction

Estate agency companies should ensure all property advertisements they issue must not include any false or misleading statement or particulars and must obtain instruction and written consent from the vendor prior to issuance. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局接獲一宗投訴，涉及一個載於某物業銷售網站上的住宅物業廣告。廣告中包含以下字句：「地區屋苑」、「市場罕有」、「售\$295萬（港）元」和地產代理公司的名稱及其牌照號碼。在調查期間，監管局要求該地產代理公司提交有關住宅物業的訂明表格及文件，檢視後發現相關的「出售香港住宅物業用的地產代理協議」（表格3）已經屆滿，而且該住宅物業於廣告刊載日期的半年前已經售出。

Incident

The EAA received a complaint regarding a residential property advertisement on an online property platform. The advertisement contained wording including, “listing property”, “rare in the market”, “selling price for HK\$2.95 million”, an estate agency company name and its licence number. During the investigation, the EAA required the estate agency company to submit the prescribed forms and information of that residential property and discovered that the relevant Estate Agency Agreement (Form 3) had expired, and that property had already been sold about half a year prior to the advertisement’s posting date.

研訊結果

監管局紀律委員會認為，該廣告會令人認為該地產代理公司已獲得該物業的擁有人的委託代為出售物業，惟事實上並非如此。就此，該地產代理公司發布或允許發布了一則與其業務有關、並載有虛假或具誤導性的陳述或詳情的廣告。因此，該地產代理公司違反了《地產代理常規（一般責任及香港住宅物業）規例》第9(1)條。

考慮到個案的性質及該地產代理公司的違規紀錄，委員會決定予以譴責，並罰款共73,000港元。

Result

The EAA Disciplinary Committee was of the view that the concerned advertisement could lead consumers into believing that the estate agency company had been appointed by the vendor to act on his/her behalf to list the property for sale, but which was not true. Therefore, the estate agency company had caused or permitted an advertisement to be issued wholly or partly relating to its estate agency business which included a statement or particular that was false or misleading in a material particular. Hence, the estate agency company was in breach of section 9(1) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation.

Having considered the nature and gravity of the case and the disciplinary record of the estate agency company, the Disciplinary Committee decided to reprimand the estate agency company and impose a fine of HK\$73,000.



莊寶端女士
香港新界地產代理商聯會主席
Ms CHONG Bo-tuen
Chairperson of the HKNT Estate
Agents & Merchants Association

● 業界意見 Comment from trade

地產代理公司可能為了吸引客人注意，即使樓盤已經售出仍為其刊登廣告，但此舉不單違反相關規例，而且是得不償失。如果有客人被廣告吸引作出查詢，卻發現樓盤已售的話，客人可能對該地產代理公司產生負面印象，而且也浪費雙方時間。地產代理公司應不時向業主更新樓盤狀況，如有關物業已經不再可供出售，便應立即移除有關廣告。

Estate agents may advertise properties even after they have been sold in order to attract customers' attention, but this practice not only violates relevant regulations, but also does more harm than good. If customers are attracted by the advertisement but find out that the property has been sold, they will likely have a negative impression of the estate agency company, and both parties also wasted their time. Estate agents should update the status of the properties with the owners frequently, and remove the relevant advertisements immediately if the properties are no longer available for sale.

紀律研訊個案 Disciplinary hearing case

以粗言穢語辱罵及使用暴力 Swearing with foul language and use of violence

引言

持牌人應避免做出令地產代理行業信譽及/或名聲受損的行為，否則有可能被監管局紀律處分。

Introduction

Licencees should avoid any behaviour that may bring discredit and/or disrepute to the estate agency trade in their practice. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名持牌營業員在某住宅大廈大堂等候業主和租客到場簽署租約，期間他向物業管理員要求到另一單位視察。由於他未獲得該單位業主的事先許可，因此被物業管理員拒絕。被拒後，該營業員以粗言穢語辱罵對方，並以身體推撞對方，而他的暴力行為亦被大廈大堂的閉路電視錄影下來。該物業管理員隨即報警，並於事後向監管局作出投訴。在紀律研訊中，該營業員承認使用了粗言穢語及曾用身體推撞該物業管理員。

Incident

A salesperson was waiting for the landlord and the tenant of a residential property to sign the tenancy agreement at the reception area of a building. While waiting, the salesperson asked the property management staff if he could inspect another flat in the same building but his request was refused as he did not obtain the prior consent from the flat owner. Having been refused, the salesperson used foul language and pushed his body against the property management staff, and his violence was captured on the CCTV footage of the building. The police were called at the scene and the property management staff later lodged a complaint with the EAA. During the inquiry hearing, the salesperson admitted using foul language and pushing against the property management staff with his body.

研訊結果

監管局紀律委員會認為該營業員違反了監管局發出的《操守守則》第3.7.2段：「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。」委員會指出，該營業員使用粗言穢語和暴力行為有損地產代理行業的信譽及名聲。

考慮到個案的性質及該營業員的違規紀錄，委員會決定譴責他，並暫時吊銷其牌照兩個月，藉此向業界表明監管局對暴力行為零容忍的立場。

Result

The EAA Disciplinary Committee was of the view that the salesperson was in breach of paragraph 3.7.2 of the *Code of Ethics*, which states that “Estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade”. The Disciplinary Committee pointed out that the salesperson’s use of foul language and violent behaviour discredited and brought disrepute to the estate agency trade.

Having considered the nature and gravity of the case, as well as the disciplinary record of the salesperson, the Disciplinary Committee decided to reprimand him and suspend his licence for two months, so as to send a clear message of zero-tolerance of violence by the EAA to the trade.



李頌賢先生
地產代理管理協會會長
Mr Jimmy LEE Chung-yin
President of the Estate Agents
Management Association

● 業界意見 Comment from trade

地產代理必須秉持嚴格的操守標準，為客戶提供專業的服務。在任何情況之下，都不可使用暴力等不當的行為。除了有機會負上刑事責任之外，地產代理公司亦會作出嚴懲。冀望每位從業員都能時刻留意個人言行操守，合力為業界建立正面及專業的形象。

Estate agents must adhere to a very high standard of conduct and provide a professional service to customers. Using violence or inappropriate behaviour is not allowed under any circumstance. If they do so they will be committing a criminal offence and will be severely punished by their estate agency company and the EAA. I hope that every practitioner always pays attention to their behaviour and ethics and works to establish a positive and professional image for the industry.

反洗錢

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".



隨着《2022年打擊洗錢及恐怖分子資金籌集（修訂）條例草案》已於立法會通過，監管局目前正在修訂其執業通告（編號18-01(CR)），就有關反洗錢及反恐怖分子資金籌集的最新規定為業界提供最新指引。

先向持牌人簡介一下，新的執業通告將包含對「政治人物」的新定義，即涵蓋在香港以外，來自中國其他地區的政治人物。同時，對就信託而言的「實益擁有人」亦會有新的定義，將與稅務條例下對「控權人」的定義一致。

基於經修訂的《打擊洗錢及恐怖分子資金籌集條例》中與地產代理行業相關的修訂將於2023年6月1日生效，監管局的新執業通告亦將會於同日生效。

監管局也將會更新相關的「問與答」、持牌人清單及「身分核實表格」範例，並會安排相關持續專業進修講座。監管局建議持牌人於修訂通告接近生效時，查閱監管局網站以獲得更多相關資訊。

Owing to the passage of the Anti-Money Laundering and Counter-Terrorist Financing (Amendment) Bill 2022 at the Legislative Council, the EAA is revising its practice circular (No. 18-01 (CR)) to provide an up-to-date guidance to the trade on the latest requirements on anti-money laundering and terrorist financing.

To give licensees a glimpse of the revision, the new practice circular will include a new definition of "politically exposed person" ("PEP") to cover a PEP from other parts of China outside Hong Kong and a new definition of "beneficial owner" in relation to a trust, which aligns with the definition of "controlling person" under the Inland Revenue Ordinance.

As the amendments relevant to the estate agency trade under the amended Anti-Money Laundering and Counter-Terrorist Financing Ordinance will take effect on 1 June 2023, it is anticipated that the revised practice circular will also take effect on the same date.

The related "Questions and Answers", checklist and sample identity verification forms will also be updated and the related Continuing Professional Development seminars will be arranged. Licensees are advised to check the EAA's website for more information near the effective date of the revised practice circular.

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 有地產代理受委託代表客戶購入一個住宅單位。在與業主簽訂臨時買賣合約（「臨約」）前，該代理必須向該客戶提供甚麼文件或資料？

答 持牌人與業主簽訂臨約前，應該向買方客戶提供「物業資料表格」（即《地產代理條例》內訂明的表格1）及最新的土地查冊副本。「物業資料表格」所列明的資料包括：物業的業權、有否有效的產權負擔、物業的樓面面積、落成年份、用途限制等。

另外，根據監管局發出相關的執業通告（編號13-06（CR）），在協議的一方已簽署臨約後，持牌人應隨即向該訂約方提供一份該臨約的副本。如持牌人為更改臨約內的任何條款而在該臨約上作出修訂，便應向訂約各方提供一份已修訂版本的臨約的副本，並在切實可行的範圍內盡快要求訂約各方書面確認已收取該副本。

Q An estate agent is appointed to act on behalf of a purchaser to purchase a residential property. Before signing a provisional agreement for sale and purchase (“PASP”) with the vendor, what documents or information should the estate agent provide?

A Before signing the PASP with the vendor, licensees should provide the purchaser client with the Property Information Form (i.e. Form 1 as stipulated in the Estate Agents Ordinance) and a copy of the latest land search record. The Property Information Form includes information such as ownership, subsisting encumbrances (if any), floor area, year of completion and user restrictions of the property.

Furthermore, according to the relevant Practice Circular (No. 13-06 (CR)) issued by the EAA, licensees should supply a copy of the PASP to the party as soon as that party has signed the PASP. If any of the terms of the PASP have been varied by making amendment(s) on the PASP itself, licensees should supply a copy of the amended version of the PASP to the parties and seek a written receipt thereof from the party concerned as soon as practicable.



監管局即將推出的持續專業進修計劃活動 Upcoming CPD activities offered by EAA

詳情請瀏覽《持續專業進修計劃》的網頁：

Please visit the webpage of the CPD Scheme for details:



重點活動推介

日期 (月/年) Date (Month/Year)	課程名稱 Course title	活動模式 Activity Mode	學分 CPD Points	語言 Language	類別 Category
4/2023	電力及氣體安全講座	網絡研討會	2	廣東話	全面提升發展
5/2023	認識商舖及寫字樓的估值	講座	2		

實務證書課程 (網絡研討會)

日期 (月/年) Date (Month/Year)	課程名稱 Course title	學分 CPD Points	語言 Language	類別 Category
4/2023	其他與地產代理工作相關的法律及實務	3	廣東話	合規及有效管理
5/2023	物業轉易須知	3		
	物業租賃實務知識	3		
6/2023	掌握土地查冊	3		
	理解物業產權負擔	3		

其他持續專業進修活動 (網絡研討會)

日期 (月/年) Date (Month/Year)	課程名稱 Course title	學分 CPD Points	語言 Language	類別 Category
4/2023	《優質執業手冊》講座—物業交易、地產代理行政及人事管理篇	1.5	廣東話	合規及有效管理
	地產代理業防貪講座 (前線代理)	1.5		

其他活動

個人資料私隱專員公署主辦活動

物業管理的資料保障 (以網上形式進行)

日期	時間	語言	課程費用
19/4/2023	14:15-16:15	廣東話	\$750

查詢電郵：training@pcpd.org.hk
查詢電話：2877 7130/ 3423 6678

請瀏覽個人資料私隱專員公署網頁了解詳情及報名。

22-2-2023

監管局主席蕭澤宇先生BBS, JP (左五) 及行政總裁韓婉萍女士 (左四) 出席香港新界地產代理商聯會就職典禮。

The EAA's Chairman Mr Simon SIU Chak-yu, BBS, JP (fifth from left) and Chief Executive Officer Ms Ruby HON (fourth from left) attend the inauguration ceremony of the HKNT Estate Agents & Merchants Association.



3-2-2023



監管局行政總裁韓婉萍女士 (中) 出席新城電台直播訪問節目，回顧局方於2022年的工作及介紹2023年的工作展望。

The EAA's Chief Executive Officer Ms Ruby HON (middle) attends a live interview programme of Metro Radio. She reviews the work of the EAA in 2022 and introduces the initiatives for 2023.

20-12-2022

監管局與業界主要代表舉行聯絡會議，會上討論多個議題，包括《業主與租客（綜合）條例》第IVA部下對分間單位（俗稱「劏房」）的租務管制、常見違規問題、有關反洗錢的最新消息及境外物業銷售事宜等。

The EAA holds a liaison meeting with major trade representatives to discuss various issues, including the tenancy control regime for subdivided units under Part IVA of the Landlord and Tenant (Consolidation) Ordinance, common non-compliance, latest updates on anti-money laundering and issues regarding the sales of uncompleted properties situated outside Hong Kong.



7/2015

監管局接待由法律教育基金有限公司舉辦的學生交流團。一眾來自香港及內地多間大學的法律系師生對本局的監管機制甚感興趣，並於問答環節中踴躍發問。



The EAA receives a student delegation organised by the Legal Education Fund Limited, where law students and teachers from various universities in the Mainland and Hong Kong show great interest in the regulatory system of the EAA and ask a lot of in-depth questions during the Q&A session.



10/2013

來自台灣的地產代理業界代表團聯同香港地產代理商總會成員到訪監管局，大家於會上交流意見。

A delegation from the Taiwan estate agency sector and members of the Hong Kong Real Estate Agencies General Association visit the EAA and exchange views during the meeting.

3/2012

監管局於深水埗、柴灣及坑口港鐵站舉辦巡迴展覽，以提升公眾對於監管局的認識及加強公眾教育。

The EAA organises roving exhibitions at MTR stations at Sham Shui Po, Chai Wan and Hang Hau to raise the public awareness of the role of the EAA and to enhance consumer education.



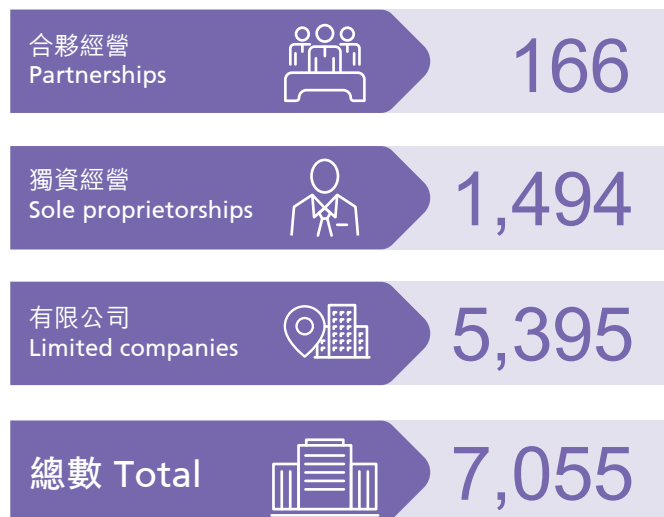
考試 Examination



牌照數目 (截至2023年2月28日) Number of licences (As at 28/2/2023)



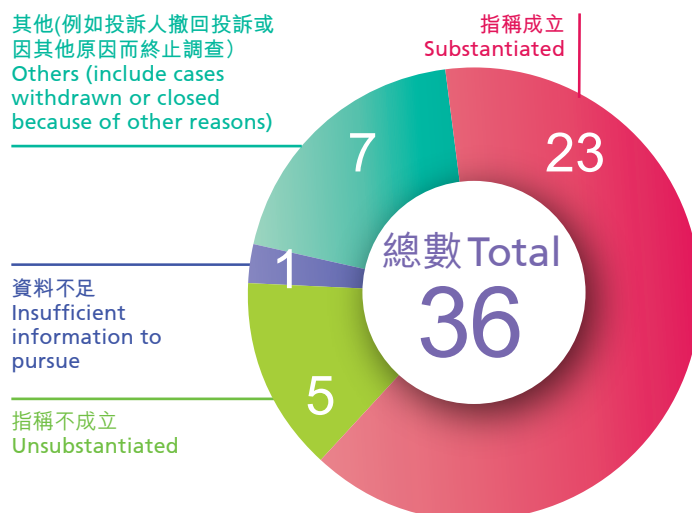
營業詳情說明書 (截至2023年2月28日) Number of statements of particulars of business (As at 28/2/2023)



開立的投訴個案宗數 (2023年1月至2月) Number of complaint cases opened (January to February 2023)



已處理的投訴個案結果* (2023年1月至2月) Results of completed complaint cases* (January to February 2023)

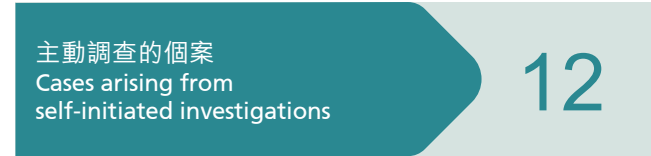


* 部分是往年接獲的個案
Some cases were carried over from previous years

巡查次數 (2023年1月至2月)
Number of compliance inspections
(January to February 2023)



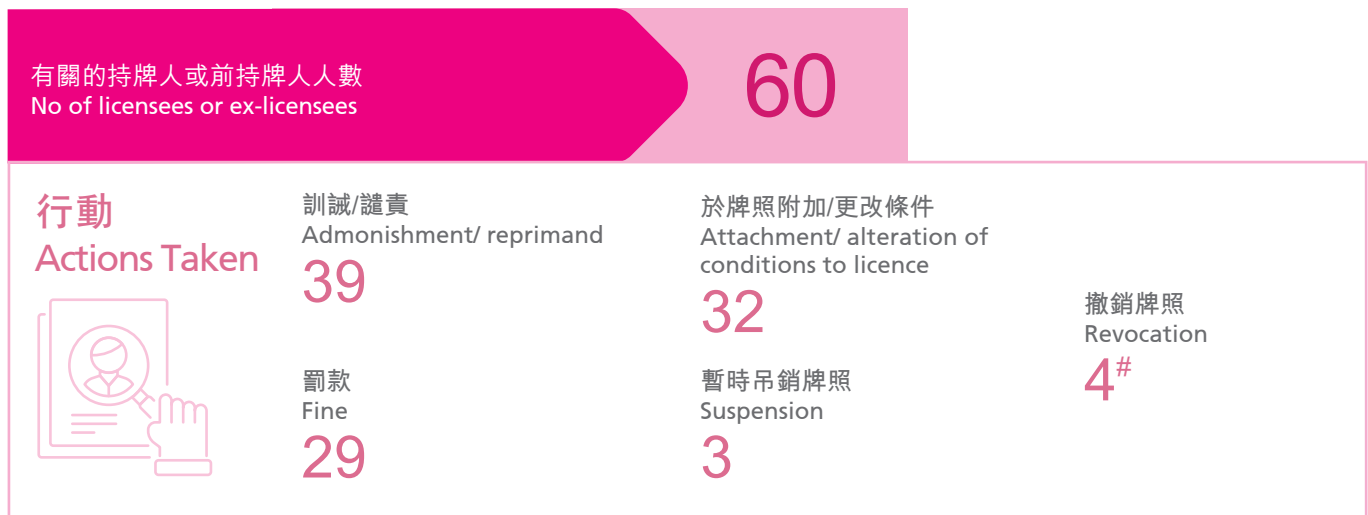
巡查發現主動調查的個案 (2023年1月至2月)
Number of cases arising from self-initiated investigations during inspections
(January to February 2023)



* 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* (2023年1月至2月)
Actions taken against licensees or ex-licensees* (January to February 2023)



* 以上行動是根據《地產代理條例》所賦予的權力而採取的。當中部分行動屬紀律性質，其他則是由牌照委員會裁定的，包括在批出牌照時在牌照上附加條件。部分是往年接獲的個案。

* These actions were taken pursuant to powers under the Estate Agents Ordinance. Some actions were disciplinary in nature whereas others were decided by the Licensing Committee which actions included the attachment of conditions to licences upon issuance. Some cases were carried over from previous years.


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 met the relevant licensing requirements.



Awarded by The Hong Kong Council of Social Service
香港社會服務聯會頒發

EAA 地產代理監管局
ESTATE AGENTS AUTHORITY

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