

非一般的地產代理：

「光房」出租

(訪問社企兼地產代理「要有光」)

**An Atypical Estate Agency:
“Light Home” Leasing**



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監管局行政總裁韓婉萍
Ruby Hon
Chief Executive Officer of the EAA

“持牌人應時刻緊記自己是專業地產代理的身份，行為應保持莊重，即使有競爭也應是文明地進行。”

"Licensees should always be mindful of their professional status and act with dignity. Competition should be pursued in a civilised manner."

因小失大

WINNING A BATTLE, LOSING THE WAR

面對激烈的競爭，加上一手住宅市場熾熱，近期接連有傳媒報道地產代理在新盤銷售點爭執打架。我對此感到十分失望，因為這些衝動和魯莽的行為，令地產代理專業蒙羞，同時也會被公眾所鄙視。

持牌人應時刻緊記自己是專業地產代理的身份，行為應保持莊重，即使有競爭也應是文明地進行。持牌人在公眾地方打架，會令行業名聲受損。即使沒有肢體衝突，而是出言侮辱，也同樣地會損害行業的形象。

試想像，當你一邊廂向途人(亦即你的準顧客)推銷你的服務時，另一邊廂你卻與其他持牌人打架，這是何等的愚蠢和不智。難道你想向客戶展示你的好武功，抑或是你的魯莽和沒有禮貌？而當你打架時被目擊者攝下的照片和短片被人放上網後，你更會成為公眾討論及批評的對象。

就算打贏了，也可能賠上你的前途。你可能被監管局紀律處分，最終飯碗不保。更嚴重的，是你可能會被警方刑事檢控，留下案底，甚至瑯瑯入獄。是否還值得一打？我相信絕大部分的持牌人都是聰明的，明白這個道理，然而，只靠聰明並不足夠，從事服務業最重要的，是「EQ」。

最後，我必須重申，地產代理公司的管理層必須認真正視這些不當的行為，並採取措施防止同類事件再次發生。監管局也會密切監察情況，有需要時會採取行動，確保沒有人逃避責任。

In the face of keen competition and due to the popularity of the primary residential market, a number of conflicts and physical fights between estate agents at first-sale sites hit the headlines recently. I am deeply disappointed at this kind of reckless and impetuous behaviour which has brought shame on the estate agents profession and which the public despises.

Licensees should always be mindful of their professional status and act with dignity. Competition should be pursued in a civilised manner. Fighting between licensees in public places brings disrepute to the trade. Likewise, verbal insults, though they are not physical, also tarnish the image of the trade.

It is certainly foolish and unwise to get into a fight with fellow licensees when you are trying to promote your service to passers-by, i.e. your potential customers. Are you trying to demonstrate to your clients how good your Kung-Fu is or how reckless or impolite you are? You will be despised by the public when photos and videos of your fighting are taken by witnesses and posted on the Internet.

Winning a fight will cost you your career. You may face disciplinary action by the EAA, and may eventually lose your job. What's more, you will probably be charged by the Police and convicted of a criminal offence, leaving a record or even facing imprisonment. Is the fight still worth it? I believe most licensees are smart enough to understand this. But being smart is not enough. Being emotionally intelligent is a key attribute in every service industry.

Finally, I must also stress that management of estate agency companies must deal with this kind of unruly behaviour seriously and take measures to prevent it from happening again. The EAA will also monitor the situation closely and take any necessary action to ensure that no one evades their responsibilities.

監管局舉行新聞發布會回顧上半年工作

THE EAA HOLDS A PRESS CONFERENCE FOR ITS HALF-YEAR REVIEW



監管局於2015年7月28日舉行新聞發布會，由主席梁永祥先生，BBS，JP及行政總裁韓婉萍女士回顧監管局在2015年上半年的工作，及簡介下半年的工作重點。

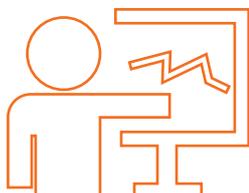
梁主席指出，監管局於2015年上半年接獲的整體投訴個案，較去年同期減少約27%。在常見的投訴性質當中，以「沒有進行或沒有提供土地查冊」的投訴有最明顯的改善，按年跌幅高達65%。

展望2015下半年，監管局會繼續透過不同渠道監察地產代理的執業情況，包括到訪新成立的地產代理公司。此外，監管局亦會加強教育大眾，舉辦公開講座，並製作新一輯與租務有關的政府電視宣傳短片。

The EAA held a press conference on 28 July 2015 at which its' Chairman, Mr William Leung Wing-cheung, BBS, JP, and Chief Executive Officer, Ms Ruby Hon Yuen-ping, reviewed the EAA's work in the first half of 2015 and introduced its initiatives for the second half.

Mr Leung pointed out that there was a year-on-year decrease of 27% in the total number of complaints received in the first half of 2015. Among the most common categories of complaints, an outstanding improvement was found in that of "failing to conduct a land search or failing to provide a copy of the land search". A year-on-year drop of 65% in the number of that category of complaints was recorded.

In the second half of 2015, the EAA will continue to monitor the practice of estate agents through various means, including paying special visits to newly opened estate agency companies. Moreover, the EAA will increase its efforts in educating the public by organising public seminars and producing a new Announcement in the Public Interest relating to tenancy matters later this year.



有關申報一手住宅物業銷售中已遞交的購樓意向登記的新執業通告

NEW PRACTICE CIRCULAR ON “DECLARATION OF SUBMISSION OF REGISTRATIONS OF INTENT IN THE SALES OF FIRST-HAND RESIDENTIAL PROPERTIES”

監管局執業及考試委員會主席張國鈞太平紳士，於2015年6月30日舉行的新聞發布會上，宣布局方發出有關「申報一手住宅物業銷售中已遞交的購樓意向登記」的新執業通告(編號15-03(CR))，要求參與一手樓盤銷售及/或購買又同時遞交意向登記的地產代理公司及從業員作出申報。

此執業通告、相關的「問與答」及申報表格範例已上載至監管局網頁供業界參考，局方亦於8月舉行了數場相關的持續專業進修講座。此通告已於2015年9月1日生效。

At a press conference on 30 June 2015, Chairman of the EAA's Practice and Examination Committee, Mr Horace Cheung Kwok-kwan, JP, announced the issuance of a new Practice Circular (No.15-03(CR)) on “Declaration of Submission of Registrations of Intent in the Sales of First-Hand Residential Properties”. The Circular sets out guidelines requiring estate agency companies and individual licensees who are involved in the sale and/or purchase of first-hand residential properties to declare their submissions of registrations of intent in that sale.

The Circular, a set of relevant “Questions and Answers” and samples of declaration forms are available on the EAA's website for the trade's reference. A number of CPD seminars were also held in August. The new Circular became effective on 1 September 2015.



有關缺席的訂約方作出妥當的授權的新執業通告 NEW PRACTICE CIRCULAR ON “PROPER AUTHORISATION BY ABSENT CONTRACTING PARTY”

監管局於2015年6月22日發出有關「缺席的訂約方作出妥當的授權」的新執業通告（編號15-02（CR）），規定地產代理在處理物業買賣或租賃交易時，須要求聲稱是缺席的訂約方的獲授權代表出示妥當的授權書，方可讓其進行有關的交易。

持牌人須注意授權書應妥為簽立及核簽。為保障客戶利益，持牌人應確保缺席的訂約方的姓名/名稱以及（如適用）授權書所述的物業及地址與有關物業的土地查冊紀錄所顯示的相符。

此外，倘若只要求該代表簽署一份聲明書，聲稱他已獲得或將會獲得缺席的訂約方的妥當授權，並承諾他個人負責所有後果，這是並不足夠及具高風險的。

持牌人如違反通告內的指引，可能遭受監管局的紀律處分。此通告現已生效，並已上載至監管局網頁供業界參考。

The EAA issued a new Practice Circular (No.15-02(CR)) on “Proper Authorisation by Absent Contracting Party” on 22 June 2015 stipulating that estate agents should require a person claiming to be the authorised representative of an absent contracting party to produce a proper power of attorney when handling any sale and purchase or leasing transactions of properties and allowing the representative to enter into the transaction concerned.

Licensees should note that the power of attorney should be properly executed and attested. In order to protect clients’ interests, licensees should ensure that the name of the absent contracting party and (where applicable) the property described in the power of attorney and its address correspond with those as shown in the land search record of the property concerned.

In addition, it is not sufficient and is highly risky simply to request the representative to sign a declaration to the effect that he has or will have proper authorisation from the absent contracting party and that he will be personally responsible for all consequences.

Licensees who fail to comply with the guidelines may be subject to disciplinary action by the EAA. This Practice Circular has been effective already and available on the EAA’s website for the trade’s reference.

監管局舉辦公開講座 PUBLIC SEMINAR HELD BY THE EAA

為加深公眾對物業交易的認識，監管局將舉辦一系列公開講座。首場講座於2015年9月5日舉行，題為「精明置業系列：如何做個精明一手樓買家」，吸引約250位觀眾參與。

In order to enhance the public’s knowledge on property transactions, the EAA will organise a series of public seminars. The first seminar titled “Tips to become a smart purchaser of first-hand residential properties” was held on 5 September 2015 with an audience of about 250.





監管局行政總裁韓婉萍女士致開幕辭，提醒準買家入市決定前要深思熟慮。講座由前新聞主播方健儀小姐擔任主持，嘉賓講者就有關一手住宅物業市場的各個議題分享觀點。著名學者及投資專家曾淵滄博士分析市場走勢；長遠房屋策略督導委員會及香港房屋委員會委員張國鈞太平紳士，則分析香港房屋供應；英國皇家特許測量師學會的何少亮測量師，分享參觀示範單位及閱讀圖則的要訣。而監管局投訴部高級經理陳汝做律師，則分享透過地產代理購買一手樓時應注意的重要事項。

未來，監管局會繼續舉辦其他有關物業交易的公開講座。

EAA Chief Executive Officer Ms Ruby Hon Yuen-ping delivered the opening remarks and reminded potential purchasers to consider thoroughly before making purchase decision. With former news anchor Ms Akina Fong as the host, guest speakers shared their views on different aspects about the primary residential market. Dr Chan Yan-chong, a renowned academic and expert in investment, shared his insights on the market trend; Mr Horace Cheung Kwok-kwan, JP, a member of the Long Term Housing Strategy Steering Committee and Hong Kong Housing Authority, analysed the housing supply of Hong Kong. Sr Nelson S. L. Ho from the Royal Institution of Chartered Surveyors shared tips when visiting show flats and reading floor plans. Mr Chan U-keng, Senior Manager of Complaints Section of the EAA, shared the important points when purchasing new flats through an estate agent.

The EAA will continue to hold public seminars on other topics concerning property transactions in the future.

財務行動特別組織發出的公開聲明及恐怖分子或與恐怖分子有聯繫者的更新名單

STATEMENT ISSUED BY FINANCIAL ACTION TASK FORCE (“FATF”) AND UPDATED LIST OF TERRORISTS AND TERRORIST ASSOCIATES

監管局不時接獲保安局通知，由打擊清洗黑錢財務行動特別組織(「財務行動特別組織」)發出的公開聲明及其與聯合國安全理事會委員會發出的恐怖分子或與恐怖分子有聯繫者的更新名單。監管局一向十分關注持牌人有否採取措施協助打擊洗黑錢活動，並鼓勵持牌人定期瀏覽財務行動特別組織的網頁(www.fatf-gafi.org)，以獲取其最新消息，及留意有關恐怖分子或與恐怖分子有聯繫者的更新名單。

請留意，財務行動特別組織已於2015年6月21-26日舉行會議後發出公開聲明及一份有關改善全球打擊洗黑錢及反恐怖主義融資規管的文件。而恐怖份子或與恐怖份子有聯繫者的名單的上次更新日期為2015年7月17日，持牌人可參閱財務行動特別組織的網頁及相關政府憲報資料(www.gld.gov.hk/egazette/pdf/20151929/cgn201519295170.pdf)。

The EAA has been notified by the Security Bureau regularly on statements issued by the FATF and on the updates of the list of terrorists and terrorist associates from the FATF and the United Nations Security Council Committees. As the EAA attaches great importance to licensees' adopting measures to help combat money laundering activities, licensees are advised and encouraged to visit the FATF's website (www.fatf-gafi.org) regularly for its updates and news, and pay attention to any updated list of terrorists and terrorist associates.

Please note that the FATF has issued a public statement and a document titled “Improving Global AML/CFT Compliance: On-going Process” subsequent to its meeting on 21-26 June 2015 and the list of terrorists and terrorist associates has been last updated on 17 July 2015. Licensees may read the above public statement and document on the FATF's website and the notice at the Government's Gazette for more details (www.gld.gov.hk/egazette/pdf/20151929/egn201519295170.pdf).

持牌地產代理公司須有至少一名董事是持牌地產代理 AT LEAST ONE DIRECTOR OF A LICENSED COMPANY MUST HOLD AN ESTATE AGENT'S LICENCE

《地產代理條例》(《條例》)第20條及《發牌規例》第8條規定，任何公司須有至少一名董事是持牌地產代理方有資格持有地產代理牌照。未能符合有關要求的公司或會被撤銷牌照。

如地產代理公司的董事有任何變更，須按《條例》第40(4)條的規定自有關委任/ 終止委任日期起計的31天內通知監管局。

Section 20 of the EAO and Section 8 of the Licensing Regulation stipulate that a company shall not be eligible to hold an estate agent's licence unless at least one of its directors is a licensed estate agent, contravention of which may result in the revocation of licence by the Authority.

If there is a change of directorship, the company licensee should notify the Authority within 31 days of the appointment or cessation of appointment in accordance with Section 40(4) of the EAO.

非一般的地產代理：「光房」出租

AN ATYPICAL ESTATE AGENCY: “LIGHT HOME” LEASING

近年香港的樓價和租金持續高企，住屋問題依然逼切。部份基層家庭為求一容身之所，往往只能蝸居於劏房。2012年，「光房」計劃正式推出，打正旗號以低於市值租金把物業單位出租給這些家庭，為他們帶來一絲曙光。

何謂「光房」？

「光房」計劃創辦人余偉業(Ricky)，於2010年成立社會企業「要有光」，是一間非一般的地產代理公司，重點提倡以物業扶貧。計劃的主要受助對象為有逼切住屋需要的單親母親及其子女。合資格的受助家庭，須透過社工轉介及通過面試，方可入住「光房」。

那麼，哪類型的物業適合作為「光房」？基本上，各區的單幢樓宇、屋苑或已補地價居屋，只要符合「安全」及「交通便利」兩大原則，便有機會成為「光房」。簡單來說，「光房」是以住屋為基礎的扶貧計劃，讓受助家庭有個安穩居所。

求過於供 租住期限3年

和香港物業市場一樣，「光房」計劃始終求過於供。如何把「光房」與租客作出妥善配對？「時間」、「人物」、「地點」這三項要素缺一不可。採用地產代理的運作模式，當找到新的「光房」後，會先評估受助家庭現有租約的租期，了解他們上班上學的地點、家庭成員的年齡分布等，希望在符合成本效益之餘，也能夠分配給最有需要的家庭。

Housing is a pressing issue in Hong Kong as property and rental prices have remained consistently high in recent years. Hence, some less well-off families can only afford a tiny subdivided flat. In view of this, the “Light Home” Scheme was launched in 2012, leasing flats to these families at a rent below the market level. The Scheme lights up their lives by providing a decent and affordable shelter.

WHAT IS “LIGHT HOME”?

Founder of the “Light Home” Scheme, Mr Ricky Yu Wai-yip, is a licensed estate agent as well as the Chief Executive Officer of “Light Be”. He started this social venture in 2010, an atypical licensed estate agency company that aims at utilising properties to alleviate poverty. Only single mothers and their children, who are referred by social workers’ and pass an interview, can become tenants of “Light Home”.

What types of property can be used as a “Light Home”? Basically, any residential property, no matter from single-block building, housing estate or flats under the HOS secondary market, can become a “Light Home” as long as it is safe and convenient. In a nutshell, the Scheme provides the families with a decent living environment to find a better job and strive for a better future.

A MAXIMUM THREE-YEAR TENANCY

Just like the residential property market, the demand for a “Light Home” is far more than the supply. In order to better match up flats and tenants, three crucial elements must be considered, “time”, “people” and “location”. Adopting the operational model of the estate agency industry, these elements will be considered in order to make the best match possible when a new “Light Home” becomes available. Firstly, the length of the existing tenancy agreement of the family will be reviewed. The locations of workplace and school, as well as the ages of the family members, will also be considered. As a result, the flats can be assigned to the most suitable family and the family with the greatest need in a cost-effective way.

焦點話題 IN FOCUS

為避免租客過分依賴計劃，「光房」的租住期均以3年為上限。「要有光」的員工除了每年檢討租客情況，也會定期進行家訪，並提供多元化的支援，如安排進修、介紹工作，為孩子提供功課輔導等，藉此培養他們的責任感，確保他們搬離「光房」後，能認清自己的路向，自力更生。

The leasing period has a limit of three years at maximum to prevent families from over relying on the Scheme. As well as conducting a yearly review with tenants, staff of “Light Be” also visit their homes regularly. Assistance on job hunting, skill training and tutor lessons for the children are provided. The aim is to help them build up a sense of responsibility, so that they can be self-reliant when they move out from a “Light Home”.



「光房」採用「合租不分間」的形式。除睡房外，其他空間和設施由租客共用，藉此建立鄰里關係。

A “Light Home” is a shared house. The living space and facilities, except the bedrooms, are shared by co-tenant families to establish a neighbourhood.

「光房」的另一個特色，是把一個物業租予兩個或以上的家庭，並採納房委會的人均呎數標準，保證他們入住的不是「劏房」。採用合租形式的原因，是希望擴闊租客們的生活圈子及社交網絡。然而，相見好、同住難，摩擦爭拗在所難免。過去曾有一些個案，兩個租客家庭屢次因生活瑣事而發生爭執，經「要有光」團隊調解後仍屢勸不改，最終演變成大打出手的局面，結果兩個家庭都被強制遷出。由此可見，「要有光」不僅擔當起調解員和輔導員的角色，更集「包租公」、「社工」及「義工」於一身，名副其實是「非一般的地產代理」。

Another characteristic of the Scheme is that each “Light Home” is leased to two or more families to share. With reference to the standard of average living space per person set by the Hong Kong Housing Authority, the Scheme ensures that the tenants do not live in tiny subdivided flats. Sharing the property can also widen the social network of the families. However, conflicts are sometimes unavoidable between families under the same roof. There was a case in which two co-tenant families always argued about trivial matters which eventually developed into a fight in spite of mediation from “Light Be” staff. Both families had to move out as a result. From this case, one can see that “Light Be” is not only a counsellor or mediator but also a combination of principal tenant, social worker and volunteer. It is truly an atypical estate agent.

協助業主省卻麻煩

SAVING THE LANDLORD FROM ANY HASSLE

一般地產代理可能要花費不少來宣傳找業主及租客，但「要有光」在尋找「光房」盤源方面卻原來沒有太大困難。除第一個物業是由Ricky的朋友提供外，其餘的盤源均

Generally speaking, while estate agents need to work hard in sourcing landlords and tenants, “Light Be” does not have much difficulty in finding “Light Homes”. Although the very first “Light Home” was provided by a friend of Ricky’s, the rest have been provided by other

由業主主動上門聯絡。Ricky認為：「這證明香港仍然有不少業主追求社會回報多於金錢回報。他們只是找不到門路。」有些業主不介意少賺租金，卻擔心遇上「租霸」。由於「要有光」會代為處理租務問題，自然能夠吸引更多善心業主提供盤源。

如此看來，「光房」配對這門「生意」確實有市場，然而，要持續營運，始終要嚴控成本。「要有光」現時只有5名員工，共處理170個單位，不少工作均有賴義工團隊分擔。

透過人脈廣博 代理回饋社會 ESTATE AGENTS CAN CONTRIBUTE TO THE COMMUNITY WITH THEIR EXTENSIVE NETWORK

曾有不少人士聯絡「要有光」，表示想購入物業用作「光房」用途。他們透過地產代理物色單位，代理除轉介物業予有關人士外，還可以透過其龐大的人際網絡，把認同「光房」理念的業主轉介予「要有光」，及向其他業主推廣計劃，在促成交易之餘，也可以為社會出一分力。Ricky指出，他們的義工來自不同界別，也歡迎有興趣的地產代理朋友加入。

談到未來動向，Ricky透露，來年將有一整幢的「光房」物業出租，就是荃灣的前政府宿舍。對「要有光」來說，這個項目將會是一大挑戰。此外，他們亦考慮將服務對象擴展至低收入家庭，並積極增聘人手迎接新的業務。

Some people told “Light Be” that they wanted to buy properties to serve as a “Light Home” for rent and Ricky helped them find the appropriate flats through estate agents in the market. In fact, as well as referring properties, estate agents can make use of their networks to introduce the concept of a “Light Home” to landlords. In doing so, estate agents can close a deal on one hand and contribute to the community on the other. Ricky also calls for estate agents to join the Light Be volunteer team whose members come from various backgrounds.

According to Ricky, a vacant Government building in Tsuen Wan will be converted into “light rooms” next year. It will be a challenging project for “Light Be”. In addition, “Light Be” is now planning to extend their service to other underprivileged families. Additional staff will be hired to meet business expansion.

landlords. “There are landlords who are looking for ways to contribute to the community rather than being focused on money return. They just don’t know the way.” Ricky said. Some landlords are willing to earn less, but worry about “trouble tenants”. Since the staff of Light Be handle all the leasing matters, more landlords are attracted to join the Scheme.

It seems that the Scheme has its potential market. However, prudent cost control is necessary for the long run. Currently Light Be has five staff managing more than 170 “Light Homes”. The tremendous work is therefore shared with volunteers.



Ricky指不少物業投資者參與「光房」計劃，既可幫助弱勢社群，又為自己帶來租金收入，一舉兩得。

Ricky points out that plenty of property investors participate in the “Light Home” Scheme to help the underprivileged and have a rental income at the same time.



余惠偉太平紳士
Mr YU Wai-wai, JP

- 恒基兆業地產有限公司地產策劃(一)部總經理
General Manager (Project Management (1) Department),
Henderson Land Development Company Limited
- 建造業議會零碳天地主席
Chairman, Zero Carbon Building, Construction Industry Council
- 發展局上訴審裁團(建築物)成員
Member, Appeal Tribunal Panel (Buildings) of Development Bureau

專業發展委員會主席 余惠偉太平紳士

本期《專業天地》專訪了監管局專業發展委員會主席余惠偉太平紳士，了解一下委員會的工作及他對地產代理業界專業地位的看法。

問：你自2014年11月起出任專業發展委員會主席，可否和《專業天地》的讀者分享一下委員會的工作及你對其印象如何？

答：我自2013年初開始出任監管局成員，很榮幸去年接任專業發展委員會主席。委員會主要負責監督「持續專業進修計劃」的執行，檢討其重點及監察計劃的成效。相對於其他監管局職能例如紀律工作，其性質較為知識主導，但需要堅定的信念和遠見，才能制定出正確的政策和方向。專業發展是一條永無止境的道路，也沒有任何捷徑。我們就如一個可持續發展的平台，一步一步地帶領業界，好讓他們提升專業水平。我很高興能夠和委員會的傑出團隊一同工作，當中包括業界代表，感謝他們把行業的長遠發展視之為最重要。

AN INTERVIEW WITH MR YU WAI-WAI, JP, CHAIRMAN OF THE PROFESSIONAL DEVELOPMENT COMMITTEE

In this issue of *Horizons*, we interviewed Mr YU Wai-wai, JP, Chairman of the EAA Professional Development Committee, about the work of the Committee and his views on the professional status of the estate agency trade.

Q: You have been the Chairman of the Professional Development Committee since November 2014. Could you share with the readers of *Horizons* the work of the Committee and your impressions about it?

A: I have served on the EAA Board since early 2013 and I was honoured to take up the Chairmanship of the Professional Development Committee last year. The Committee is mainly responsible for overseeing the implementation of the Continuing Professional Development (“CPD”) Scheme, reviewing its focus and monitoring its effectiveness. Its nature is more intellectually driven than the other EAA functions such as disciplinary work, but it requires highly determined faith and vision to establish the right policies and directions. Professional development is a never-ending road and there is no short-cut. We serve as a sustainable platform guiding licensees, step-by-step, to obtain higher professional standards. I have the privilege to work with a great team in the Committee. Amongst them are trade representatives whom I appreciate for putting their hearts on the profession’s long-term development.

問：監管局早前推出了新的持續專業進修計劃措施，當中包括一些有鼓勵性質的措施。你對計劃未來的發展有何期望？

答：參與持續專業進修計劃是持牌人之終生投資。為此，我們推出優越嘉許獎章，進一步鼓勵和表彰持牌人努力不懈參與持續專業進修計劃活動。其他的新鼓勵措施，如透過網上學習活動可獲取額外學分等，則旨在吸引更多尤其是年輕一代之從業員參加。這些措施所起的作用或許不同，但目標都是一致的。

對於計劃的未來發展，監管局董事局是支持把計劃最終轉成強制性的。計劃自開始至今一直屬自願性質，今天亦沒有迫切性作出改變。在採取任何具體行動之前，我們會作出全面考慮、廣泛討論和全方位的規劃。在這之前，我們會繼續推行一些措施，以鼓勵更多業界參與計劃。

問：持續專業進修計劃推出至今經已十年。你滿意業界的表現和參與程度嗎？你對業界現時的專業水平及地位有何看法？

答：保持着最新及廣泛的專業知識，是在競爭激烈的商界中佔據有利位置的關鍵。過去十年，持續專業進修計劃一直為業界提供了這些方面的優勢，提升他們的專業能力及水平。計劃實施至今，已錄得超過28萬人次參與，這無疑是一個令人鼓舞的數字。計劃的基本目標是「持續進修、敬業樂業」，雖然業界現時仍有進度空間以達至表現卓越，但他們多年來在專業執業上的進步，是值得加以讚賞的。我希望有朝一日，業界的地位能夠再加提升，發展成一個被社會更加尊重的行業。

Q: The EAA launched a number of new initiatives for the CPD Scheme earlier including some incentive measures. What are your expectations on the future development of the Scheme?

A: Participating in CPD programmes is a lifetime investment for licensees. To this end, we introduced premium CPD Attainment Symbols in a bid to further encourage and recognise licensees' continuous effort in participating in CPD activities. Other new incentive measures, such as awarding bonus CPD points through the e-Learning platform, aim to attract more practitioners, in particular the younger generation. These initiatives might serve different purposes but their goals are the same.

With regard to future development of the Scheme, the EAA Board is supportive of ultimately turning it into a mandatory Scheme. However, with participation being voluntary since the Scheme was first launched, we believe there is no rush to introduce changes at this moment in time. Thorough consideration, extensive consultations and all-rounded planning are needed before any substantial actions could be taken place. For now, we continue to implement measures that encourage more participation from the trade.

Q: Ten years have gone by since the CPD Scheme was launched. Are you satisfied with the trade's performance and participation? What do you think of the trade's professional standard and status nowadays?

A: In order to occupy an advantageous position in today's competitive business world, maintaining a wide variety of up-to-date professional knowledge is the key to success.

In the past ten years, our CPD Scheme has provided this "advantage" to the trade by upgrading their professional competence and standard.

Over 280,000 enrolments were recorded since the Scheme started, which is a very encouraging number.

With "Professional Excellence through Learning" being the fundamental objective of our Scheme, we believe there is room for further improvements.

One notable achievement to date, is our tradesmen's professional improvements over the years. I hope that one day the trade's social standing can be further enhanced and develop into a profession worthy of the respect of the community.

紀律研訊個案：發出違規廣告

DISCIPLINARY HEARING CASE: NON-COMPLIANCE IN ISSUING ADVERTISEMENTS

引言

持牌人不可發放具誤導性陳述或錯誤資訊的廣告，並須遵守發布廣告的相關法例及規定，否則有可能被監管局紀律處分。

INTRODUCTION

Licensees must not issue any advertisements with misleading or wrong information and must comply with the relevant law and regulations regarding the issuance of advertisements. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名地產代理在其網上個人博客上發布數則一手住宅物業的廣告，並提及包括建築面積、實用面積及售價等資訊，惟該等新盤的發展商尚未把售樓說明書上載至一手住宅物業銷售監管局的網頁。

監管局接獲有關報告後展開調查。該地產代理承認，該些樓盤資料是她於《一手住宅物業銷售條例》實施前，取自於發展商的網頁。然而，在該條例正式生效後，她並沒有更改或移除其博客上的該些過期資訊。同時，在發布這些廣告前，她也沒有取得僱用她的地產代理公司的同意。

INCIDENT

An estate agent had issued several advertisements of various first-hand residential properties on her personal blog with information including the gross floor area, the saleable floor area and the selling price before the developers of those properties uploaded the sales brochures to the website of the Sales of First-hand Residential Properties Authority.

The EAA received a report on it and conducted an investigation. The estate agent admitted that the information was retrieved earlier from the developers' websites before the Residential Properties (First-hand Sales) Ordinance took effect. After the Ordinance had taken effect, she neither made amendments nor removed the outdated information from her personal blog. Moreover, she issued those advertisements without seeking approval from the estate agency company she worked for.



研訊結果

監管局紀律委員會認為，該地產代理沒有遵守執業通告(編號13-04(CR))內的指引，當中規定除以物業的實用面積作為基準外，就一手住宅物業銷售進行推廣活動及提供物業資料的廣告不得以其他基準表達該物業的面積或單位售價的資料。此外，除代產代理公司外，其他持牌人不得發出任何廣告或宣傳物品。

在考慮個案的性質及持牌人的違規紀錄後，該名地產代理被委員會譴責及罰款6,000元。

RESULT

The EAA Disciplinary Committee was of the view that the estate agent had failed to comply with the guidelines set out in Practice Circular 13-04(CR), which stipulates that an advertisement for a first-hand residential property must not give information on the size or unit price other than by reference to the saleable area of the property. In addition, no advertisement or promotional material shall be issued by licensees other than estate agency companies.

Having considered the nature and gravity of the case and the disciplinary record of the estate agent, the Disciplinary Committee decided to reprimand the estate agent and fine her \$6,000.



香港專業地產顧問商會榮譽會長
汪敦敬先生

Mr Lawrence Wong Dun-king
Honorary President of Hong
Kong Chamber of Professional
Property Consultants Limited

業界回應

《一手住宅物業銷售條例》實施到現在已經超過了兩年，一手住宅物業銷售監管局及地產代理監管局在推廣上也做得不錯，相信大部份地產代理都掌握到及不會發放違規的廣告，但是，由於一些社交網站均被視為只是私人分享經驗的平台，因此對網上的活動守法意識便較為薄弱，而實際上一些欠根據的內容有可能會誤導公眾，發放這類樓花訊息必須要確保正確，否則任何人也有機會抵觸法例或監管局的相關規定，對持牌地產代理來說，便應更加審慎。

COMMENT FROM TRADE

The Residential Properties (First-hand Sales) Ordinance has been in operation for more than two years already. With the effort of the Sales of First-hand Residential Properties Authority and the Estate Agents Authority, I believe that most of the licensees are familiar with the Ordinance and will comply with it. However, they may be less cautious with their online activities as social media or mobile apps may give a false impression of “private sharing”. Any unfounded content may mislead the public and hence it is necessary to ensure that the information of any new development issued is correct so as to avoid breaching the law or EAA’s relevant regulations. Licensed estate agents must be more careful in this aspect.

紀律研訊個案：沒有進行土地查冊

DISCIPLINARY HEARING CASE: FAILING TO CONDUCT LAND SEARCHES

引言

持牌人必須在緊接物業的買賣協議或租約訂立之前，就該物業進行土地查冊，並向買方/租客提供該土地查冊結果的文本，否則有可能被監管局紀律處分。

INTRODUCTION

Licensees shall carry out a land search in respect of the property and supply a copy of the land search to the purchaser/tenant immediately before a provisional agreement for sale and purchase or a provisional tenancy agreement is entered into by the parties. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名營業員在一宗住宅物業租賃中擔任雙邊代理。在安排租客簽訂租約前，該營業員並沒有於緊接租約訂立之前，向該租客提供物業的土地查冊結果的文本。而在他安排租客簽約時，該租約上的部分條款被遮蓋着。同時，該營業員曾向租客承諾會於租約簽訂後30天內，代其辦理加蓋印花手續及繳交印花稅。然而，該營業員最終未能兌現承諾，更延至兩個月後才為客人繳付印花稅。租客對此感到憤怒，遂向監管局作出投訴。

INCIDENT

A salesperson represented both the tenant and the landlord in a leasing transaction of a residential property. He failed to provide a copy of the land search of the relevant property to the tenant immediately before the tenancy agreement was entered into. Also, part of the terms and conditions of the tenancy agreement was covered when the salesperson arranged for the tenant to sign on it. Moreover, though the salesperson promised the tenant that he would submit the tenancy agreement for stamping and pay the stamp duty within 30 days after the agreement was signed, he failed to do so as he only paid the stamp duty after 2 months. Feeling angry, the client lodged a complaint against him.

研訊結果

監管局紀律委員會認為，該營業員違反監管局發出的《操守守則》第3.4.1段，以及《地產代理常規(一般責任及香港住宅物業)規例》。結果，該營業員被譴責及罰款合共6,000元。

RESULT

The EAA Disciplinary Committee was of the view that the salesperson failed to comply with paragraph 3.4.1 of the *Code of Ethics* issued by the EAA and the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation. As a result, the salesperson was reprimanded and fined \$6,000 in total.



香港地產代理商總會主席
謝順禮先生

Mr Calvin Tse Shun-lai
Chairman of Hong Kong Real Estate Agencies General Association

業界回應

上述個案中，該名持牌人除沒有在緊接物業的租約訂立之前進行土地查冊外，同時安排租客簽署部分條款被遮蓋的租約，實屬不當。此外，該名持牌人更沒有兌現承諾在30天內代客人辦理租約印花稅，有可能因過期繳付印花稅導致須付過期罰款。此等行為均沒有保障客戶權益並容易引起糾紛，作為專業的持牌人，必須引以為戒。

COMMENT FROM TRADE

In the above case, the licensee failed to carry out a land search and supply a copy of it to the tenant immediately before the tenancy agreement was entered into. In addition, part of the terms and conditions of the tenancy agreement was covered. Moreover, his failure to pay the stamp duty on behalf of his client on time might give rise to payment of penalty for late stamping. His behaviour not only failed to protect the interest of his client, but could also easily lead to disputes. A professional licensee should learn a lesson from this case.

持續專業進修講座

CPD SEMINAR

代理安心錦囊 — 監管局處理投訴程序詳釋

TIPS FOR THE TRADE: PROCEDURES ON COMPLAINT HANDLING OF THE EAA



為確保持牌人對監管局處理投訴的程序有更深入了解，監管局分別於2015年7月29日、9月8日及15日，在不同地區舉辦一系列講座，名為《守法循規代理安心錦囊 — 監管局處理投訴程序詳釋》。

講座由監管局執行總監方安妮女士聯同其他監管局代表主講。講座內容包括與持牌人分享香港地產代理業界的執業水平，並解釋監管局處理投訴個案的原則和程序。

監管局代表透過一個初入行地產代理處理的租賃個案，演譯一連串從業員常犯的違規情況。透過個案提醒持牌人如何做到專業循規、避免犯錯。

講座反應熱烈，約有350名持牌人參與。

The EAA organised a series of CPD seminars in July and September to promote a better understanding of the procedures for handling complaints. Three seminars entitled “Tips to Promote Compliance in the Trade: Procedures on Complaint Handling of the EAA” were held in three different districts on 29 July, 8 September and 15 September 2015.

Ms Annie Fonda, Director of Operations, and other representatives of the EAA, briefed licensees regarding best practices for estate agents in Hong Kong and explained the EAA’s complaint handling principles.

Through a role play, simulating a tenancy dispute, representatives of the EAA demonstrated some of the non-compliance issues commonly found in the trade, and emphasised areas where estate agents should maintain good service standards and avoid making mistakes. The EAA’s complaint handling procedures were also explained to the audience to enhance mutual understanding and effective communication between the EAA and the trade.

The seminars were well received, and around 350 licensees attended.

執業問與答

PRACTICE Q&A

在《專業天地》內，我們會解答與持牌人執業息息相關的一些常見提問。

In *Horizons*, we will answer selected enquiries commonly raised by licensees concerning estate agency practice.

問：地產代理公司可否宣傳只收取部分佣金(或免佣)，甚至表示提供佣金回贈予客戶？

Q: Are estate agency companies allowed to promote that they will only charge a small amount of commission (or no commission), or even mention that they will offer a commission rebate to their clients?

答：《地產代理條例》及其附屬法例並沒有就地產代理收取的佣金數額或比率，或可否向買家提供優惠有任何訂明，而是視乎地產代理與客戶雙方的協議。

然而，根據監管局發出的執業通告(編號13-04 (CR))訂明，地產代理在銷售一手住宅物業時，須將其提供予準買家的任何優惠(包括任何送贈、折扣或回贈)以書面形式告知準買家，具體列明提供優惠的條款及形式，並說明該優惠是由賣方提供，抑或是由其所屬的地產代理公司提供。

此外，《地產代理條例》訂明，假如地產代理同時代表買賣雙方，他們必須向客戶表明，以及向各方詳盡披露因該物業而獲得的金錢或其他實益利益，包括佣金的數額。根據監管局發出的《操守守則》，地產代理必須秉持誠實、忠誠和嚴正的態度向客戶提供服務，保障和促進客戶利益，對交易各方公平公正。

A: The Estate Agents Ordinance (“EAO”) and its subsidiary legislations have no stipulation on the amount or rate of commission that estate agents are entitled to or whether estate agents can offer any incentive to their clients. It is subject to the negotiation between the estate agent and his client.

However, according to the Practice Circular No.13-04(CR) issued by the EAA on the conduct in the promotional activities of first sales, licensees must set out in writing any promise of incentives, including any gifts, discounts or rebates they have made to prospective purchasers, and stipulate clearly the terms and format of incentives offered by the developer or their estate agency companies.

In addition, the EAO stipulates that if an estate agent represents both the vendor and the purchaser, he shall disclose to their clients any pecuniary or other beneficial interests in relation to the property to all parties concerned, including the amount of commission. According to the *Code of Ethics* issued by the EAA, estate agents must also provide services to clients with honesty, fidelity and integrity, protect and promote the interests of their clients, and act in a fair and impartial manner to all parties involved in the transactions.



何謂「不反對入住書」?

“LETTER OF NO OBJECTION TO OCCUPY”

根據《建築物條例(新界適用)條例》(「條例」)，位於新界的鄉村屋宇，若其大小尺寸不超過條例訂明的限制，可獲豁免受制於《建築物條例》，因此鄉村屋宇的建築圖則亦不須經建築事務監督批准。

在此情況下，倘若鄉村屋宇擁有人能出示由註冊專業測量師或認可人士簽發的證明書，證明以下各項，地政專員才會補發不反對入伙通知書或完成規定事項證明書：

- (i) 該擁有人是該鄉村屋宇的合法登記業權人；
- (ii) 該鄉村屋宇符合有關租契、新批約或建築牌照的規定；
- (iii) 該鄉村屋宇的尺寸、高度等，符合條例的規定；和
- (iv) 該鄉村屋宇的發展是在有關地段範圍之內。

持牌人應注意，「不反對入住書」中可能載有某些免責聲明，例如政府發出該函件不可視作政府已申述該物業結構安全等。

Under the Buildings Ordinance (Application to the New Territories) Ordinance (“the Ordinance”), a village house in the New Territories not exceeding certain dimensions provided in the Ordinance is exempt from the provisions of the Buildings Ordinance and no building plans will need to be submitted to the Building Authority for approval.

In such a case, the District Lands Office will only issue a letter confirming that there is no objection to occupy the village house or Certificate of Compliance retrospectively if the owner of the village house can produce a certificate by a registered professional surveyor or an authorised person confirming the following items:

- (i) the owner is the legal registered owner of the village house;
- (ii) the village house complies with the conditions in the lease, New Grant or Building Licence;
- (iii) the dimensions, height etc. of the village house comply with those set out in the Ordinance; and
- (iv) the development of the village house is within the lot boundaries.

Licensees should bear in mind that there may be certain disclaimers in the “letter of no objection to occupy”, stating that the act of issuing the letter does not amount to the Government having represented that the property is structurally safe.



活動紀要

EVENTS AND ACTIVITIES

2015-06-25

監管局於上環區舉辦從業員「聚焦小組」會議，與從業員就執業的情況交流意見。

The EAA organises a focus group meeting with licensees at Sheung Wan and exchanges views with the attending licensees on their practice.



2015-07-16

監管局接待來自青海省工商行政管理局的代表團，向他們介紹監管局的主要職能及監管工作。規管及法律總監劉淑葵女士代表監管局致送紀念品予代表團。



The EAA receives a delegation from the Qinghai Province Administration for Industry to introduce the key functions and the regulatory work of the EAA. Ms Eva Lau, Director of Regulatory Affairs and General Counsel of the EAA, presents a souvenir to the delegation on behalf of the EAA.

2015-07-22

監管局接待由法律教育基金有限公司舉辦的學生交流團，包括52名來自香港及內地多間大學的法律系師生。一眾學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 and comprises 52 law students and teachers from various universities in the Mainland and Hong Kong. The students show great interest in the regulatory system of the EAA and ask a lot of in-depth questions during the Q&A session.

2015-08-05 - 2015-08-06

監管局參加了由 *Recruit* 雜誌舉辦、位於油塘大本型商場的「Recruit 招聘進修博覽」。場內除播放監管局機構短片及一系列消費者教育短片外，也有不同刊物供公眾取閱。監管局機構傳訊經理鄭麗珊女士也向在場市民介紹監管局工作及地產代理行業的入行門檻。



The EAA participates in the recruitment expo organised by *Recruit* magazine at Domain Mall in Yau Tong. Corporate video and consumer education videos are showcased, and various publications are available for collection. Ms Anissa Cheng, Corporate Communications Manager of the EAA, also delivers a talk on the work of the EAA and how to enter the estate agency trade.

統計數字

STATISTICS

考試 EXAMINATIONS

地產代理資格考試

ESTATE AGENTS QUALIFYING EXAMINATION

考試日期
Examination date
08/06/2015



營業員資格考試

SALESPERSONS QUALIFYING EXAMINATION

考試日期
Examination date
20/08/2015



牌照數目 (截至2015年8月31日)

NUMBER OF LICENCES (AS AT 31/08/2015)

營業員牌照

Salesperson's Licence

19,786

地產代理(個人)牌照

Estate Agent's Licence (Individual)

17,060

個人牌照總和

Total no. of individual licences



36,846

地產代理(公司)牌照

Estate Agent's Licence
(Company)

3,210

接獲的投訴

(2015年1月至8月)

NUMBER OF COMPLAINT CASES RECEIVED (JANUARY TO AUGUST 2015)

193

營業詳情說明書 (截至2015年8月31日)

NUMBER OF STATEMENTS OF PARTICULARS OF BUSINESS (AS AT 31/08/2015)

合夥經營

Partnerships

236

獨資經營

Sole proprietorships

1,630

有限公司

Limited companies

4,550

總數

Total



6,416

已處理的投訴個案結果* (2015年1月至8月)

RESULTS OF COMPLETED COMPLAINT CASES*

(JANUARY TO AUGUST 2015)

- 指稱成立 Substantiated
- 指稱不成立 Unsubstantiated
- 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

巡查次數 (2015年1月至8月)

NUMBER OF COMPLIANCE INSPECTIONS
(JANUARY TO AUGUST 2015)



巡查發現主動調查的個案 (2015年1月至8月)

NUMBER OF CASES ARISING FROM SELF-INITIATED
INVESTIGATIONS DURING INSPECTIONS
(JANUARY TO AUGUST 2015)

45 主動調查的個案
Cases arising from self-initiated investigations

29 主動調查而指稱成立的個案*
Cases completed from self-initiated investigations and were substantiated*

* 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
(2015年1月至8月)*

ACTIONS TAKEN AGAINST
LICENSEES OR
EX-LICENSEES
(JANUARY TO AUGUST 2015)*

有關的持牌人或前持牌人人數
No of licensees or ex-licensees

261

作出的處分或行動
ACTIONS TAKEN

訓誡/譴責
Admonishment/
reprimand
160

於牌照附加/更改條件
Attachment/alteration of
conditions to licence
171

撤銷牌照
Revocation
16#

罰款
Fine
104

暫時吊銷牌照
Suspension
11

* 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 EAO. 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。理由是持牌人不符合適當人選要求，因而不適合繼續持有牌照。

These cases were decided by the Licensing Committee on the ground that the licensees concerned were considered not fit and proper to continue to hold a licence.



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