

監管局成立第28條調查委員會

EAA sets up Section 28 Investigation Committee

監管局已成立第28條調查委員會，負責所有根據《地產代理條例》第28條進行的調查工作。

根據法例，監管局如有合理理由相信地產代理從業員涉嫌違反《地產代理條例》，可以通過監管局所委任的僱員或執業會計師，行使第28條的權力。此等權力包括要求從業員或任何持有與調查有關資料的文件的人士向監管局調查員交出該等文件，並提供協助。任何人士倘若沒有按照調查員的要求交出有關文件，而又未曾提供合理解釋，便觸犯刑事罪行。

監管局成立第28條調查委員會，目的是設立一套妥善的機制，行使《條例》第28條所賦予的權力，使到監管局可以更有效率和公平公正地處理複雜的違規個案和違法行為。

第28條調查委員會負責委任調查員和考慮調查員所提交的報告和建議，並把適合的個案轉交紀律委員會以進行紀律研訊。

第28條調查委員會的主席是監管局副主席廖譚婉瓊女士，另外兩名委員是監管局成員及立法會議員余若薇女士和監管局行政總裁陳佩珊女士。

EAA has set up the Section 28 Investigation Committee to oversee all investigative work to be conducted under Section 28 of the Estate Agents Ordinance (EAO).

Under the law, where EAA has reason to believe that an estate agency practitioner has allegedly breached the EAO, EAA may exercise the powers granted under Section 28 of the EAO through its employees or practising certified public accountants acting as investigators. Such powers include the right to require the practitioner, or any person who has documents containing information relevant to the investigation, to produce such documents and give assistance in connection with the investigation. Anyone who without reasonable excuse fails to comply with the investigators' request for the provision of the documents and assistance commits an offence.

The Section 28 Investigation Committee was set up with the view of establishing an effective mechanism to exercise the powers provided under Section 28 of the EAO, so that complex non-compliance cases can be dealt with more effectively and in a just and fair manner.

The Section 28 Investigation Committee will be responsible for appointing investigators, considering reports and recommendations submitted by investigators and, where appropriate, referring cases to the Disciplinary Committee for inquiry hearings.

The Section 28 Investigation Committee is chaired by EAA Vice Chairman Mrs Amy Liu and has two other members — EAA Member and legislator Ms Audrey Eu and Chief Executive Officer Ms Sandy Chan.