

**移民顧問參與
地產代理工作必須領牌**

**Immigration
consultants
conducting estate agency
work must hold a licence**

鑑於越來越多內地人士投資香港的物業，不少移民顧問公司安排內地人士來港參觀樓盤，地產代理監管局（監管局）關注移民顧問公司的相

There have been a growing number of Mainlanders investing in properties in Hong Kong, as well as immigration consultants arranging for them to view properties here. As the Estate Agents Authority (EAA) is concerned about whether making such arrangements falls within the scope of estate agency work, it has organised a forum on the subject and sent letters to a number of immigration consultants to explain to them the definition of estate agency work and the EAA's licensing regime.

The forum on matters related to immigration consultants' or estate agencies' arranging for Mainlanders to view properties in Hong Kong was held on 9 December 2009. At the forum, the EAA reminded representatives from immigration consultants that under the Estate Agents Ordinance, any individual practising estate agency work in Hong Kong must be granted a licence by the EAA. Estate agency work has a wide meaning. It refers to any work done for a client (including Mainlanders) in relation to the introduction to the client of a third person who wishes to sell or lease a property, as well as subsequent negotiations, or any work done



越來越多移民顧問公司舉辦「睇樓團」，安排內地人士來港參觀樓盤。
A growing number of immigration consultants have been organising tours for Mainlanders coming to Hong Kong to view properties.

關工作，是否已經涉及地產代理工作。為此，監管局舉辦研討會和發出信函予多家移民顧問公司，向他們解釋地產代理工作的定義和發牌制度。

「安排內地人士來港參觀樓盤」研討會於2009年12月9日舉行。監管局在會上提醒移民顧問公司的代表，根據《地產代理條例》，任何人士在香港從事地產代理工作，均須領有監管局發出的牌照。地產代理工作的定義廣泛，包括向客戶（包括內地人士）介紹一名打算出售或租賃物業的第三者而進行的工作、為達成該客戶取得該物業而作的商議，以及隨後就物業達成買賣或租賃協議的工作。無牌從事地產代理工作乃刑事罪行，最高可判處罰款50萬元和監禁兩年。

此外，入境事務處、消費者委員會的代表，以及聯合財富情報組的警務人員也參與研討會，向與會者講解有關協助外地或內地人士來港投資物業應注意的事項。



監管局就投資移民顧問公司安排境外人士來港置業涉及的事宜舉行研討會。

The EAA holds a forum on matters related to immigration consultants arranging for non-Hong Kong residents to purchase properties in Hong Kong.

多家移民顧問公司對監管局的呼籲反應積極，過去數月，已有三家移民顧問公司申領地產代理牌照。

部分已經申領地產代理牌照的移民顧問公司相信，領牌後可方便其營運以至業務發展。中原移民顧問（香港）總經理許大衛先生表示，一直以來，該公司會將有興趣投資房地產的客戶轉介中原地產的人

afterwards to effect the sale or lease of the property. Conducting unlicensed estate agency work is an offence, and the maximum penalty for offenders is a fine of \$500,000 and two years' imprisonment.

Representatives from the Immigration Department and Consumer Council, as well as police officers from the Joint Financial Intelligence Unit also attended the forum. They briefed attendees on the points to note when arranging for foreigners or Mainlanders to invest in Hong Kong properties.

The response from immigration consultants has been positive. Over the past few months, three immigration consultants have obtained licences from the EAA.

Some of the immigration consultants who have been granted a licence believe that holding a licence is beneficial to their companies' operation and business development. The General Manager of Centaline Immigration Consultants (HK) Limited, Mr David Hui, said it was their usual practice to refer interested parties who wished to buy properties to estate agency practitioners of Centaline Property. In order to better serve their clients' need for information on investing in properties in Hong Kong and to build a professional image, the company obtained an Estate Agent's Licence (Company). Mr Hui added that most of the company's employees had long been holders of the Estate Agent's Licence (Individual).

According to the Chief Executive Officer of Midland Immigration Consultancy, Mr Thomas Kut, his company's business mainly involved the provision of immigration consultancy services. He said his company had held an Estate Agent's Licence (Company) for a number of years because a considerable number of clients had approached estate agents of Midland Realty through his company in a bid to obtain



監管局副主席廖譚婉瓊女士的意見

監管局會因應市場狀況，不時推出新的措施，以履行規管地產代理的職責。因應最近越來越多移民顧問安排內地人士來港視察物業的情況，監管局通過教育及宣傳地產代理的工作，協助移民顧問檢視自己的業務是否涉及地產代理業務的範疇，從而採取妥善的措施，以防止誤墮法網。

監管局認為，倘若移民顧問公司的業務牽涉地產代理工作，他們應領取地產代理牌照，以符合法例要求，保障公司和客戶的利益。

Message from EAA Vice-chairman Mrs Amy Liu

The EAA will, depending on market conditions, undertake new measures from time to time to discharge its regulatory duties. Recently, there is an increasing number of immigration consultants arranging for Mainlanders to view properties in Hong Kong. Hence, the EAA has, through education and promotion, sought to deepen

the consultants' understanding of the estate agency trade to enable them to determine whether their scope of business involves estate agency work, so that the consultants can take appropriate steps to ensure they do not mistakenly breach the law.

The EAA is of the view that if immigration consultants' work involves estate agency work, they should apply for the relevant licences to comply with the law so that they can protect the interests of their companies and clients.

員跟進，但由於近來客戶提出投資樓市的問題越來越深入，而且為了向客戶建立專業形象，故該公司亦申領地產代理（公司）牌照。許大衛補充，該公司大部分員工早已領有地產代理（個人）牌照。

美聯移民顧問行政總裁吉安先生表示，該公司主力提供移民顧問服務，但由於不少客戶通過該公司接洽美聯物業的地產代理，以投資香港物業的方式來港定居，故已領有地產代理（公司）牌照多年。為了對客戶提供全面的服務，會鼓勵更多從事移民顧問工作的員工也考取地產代理（個人）牌照。

天瑪士國際地產董事鄧君良先生表示該公司向內地人士提供移民顧問服務，也邀請地產代理合作，向客戶提供有關投資香港房地產的服務。由於他預計越多越多內地人士來港買樓，該公司最近也申領地產代理（公司）牌照。鄧君良補充，為方便他自己向客人提供樓盤資訊和介紹樓盤，他已領有地產代理（個人）牌照。

residency status in Hong Kong by investing in properties here. He said he would encourage more employees who engaged in immigration consultancy work to apply for an Estate Agent's Licence (Individual) so that they could provide more comprehensive services to their clients.

The Director of Immi-visa.com International Property Agent Company Limited, Mr Tang Kwan-leung, said his company provided immigration consultancy services to clients and cooperated with other estate agents who provided services related to property investment. He envisaged that there would be more Mainlanders purchasing properties in Hong Kong, so his company had recently obtained an Estate Agent's Licence (Company). Mr Tang also said he obtained an Estate Agent's Licence (Individual) so that he could provide professional property agency services and introduce properties to clients.