

**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.



提醒客戶舊樓交易的風險 Warning clients of the risks when buying or leasing old buildings

土瓜灣舊樓倒塌慘劇，引起大眾關注舊樓的安全，那些附有違例建築物的唐樓，更是焦點所在。監管局提醒從業員，客戶買賣或租賃該類物業時，應向客戶清楚解釋有關風險。

《地產代理常規（一般責任及香港住宅物業）規例》訂明，從業員須就其處理的物業進行土地查冊。監管局認為，他們應查閱物業是否有拆卸或改動令；如有，則須查核有關命令是否已獲遵從。此外，根據監管局的《操守守則》，從業員應保障和促進客戶的利益。

倘若代表租客的從業員知悉物業附有違例建築物，即使沒有拆卸令，他們都應提醒客戶，單位可能有安全問題，亦應讓他們知悉相關的風險，例如政府可對物業行使重收權或將物業封閉等。

The tragic collapse of an old building in Tokwawan has sparked public concern about the safety of old buildings, especially those old tenements with illegal structures. The EAA reminds practitioners that they should explain to their clients the risks involved in the sale, purchase and lease of properties with such structures.

Under the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, practitioners have to conduct a land search of the property concerned. The EAA is of the view that they should check from the land search whether any order requiring demolition or alteration of unauthorised building works (UBW) has been registered and if so, whether the order



另一方面，代表買方客戶的從業員，除了應提醒客戶該類物業的業權可因上述風險而出現問題外，亦應向他們解釋其他風險，包括政府可發出命令要求業主於指定期限內清除違例工程，若業主未有執行，政府可代為拆卸或改動，並出售物業以追討有關費用。

至於在租賃中代表業主行事的從業員，則應告知業主客戶，他們有責任維修物業和保持其結構良好。如有需要，從業員應強烈建議業主遵從有關拆卸或改動令。

另外，從業員亦應讓業主知悉，由於違例工程可能導致業權出現問題，除非買賣協議另有協定，否則買方可以取消買賣並追討違約損失賠償。

從業員若沒有遵守以上規定，可遭監管局紀律處分。

has been complied with. In addition, according to the EAA's Code of Ethics, practitioners should protect and promote their clients' interests.

If practitioners acting for the tenant are aware of such UBWs, even though no order for demolition has been registered, they should alert their client to the likely safety issues of the property and the risks involved, such as the risk of the Government's exercising its right of re-entry and closure of the property.

Some of the above risks may render the title defective, and practitioners acting for the buyer should advise their clients so. In addition, they should advise their buyer clients of the risk of a Government order to remove the UBW within a specified period; and if the owner failed to do so, Government-enforced demolition or alteration works, followed by the forced sale of the property to recover the costs.

Practitioners acting for the owner in leasing such properties should remind their client that it is the owner's general duty to keep the structure of the property in good repair and condition and strongly advise the owner to comply with the order if there is one.

Owners selling such properties should be advised that, unless otherwise specified in the agreement for sale and purchase, the purchaser is entitled to rescind the purchase and claim damages for breach of contract as the title may be rendered defective by the UBW.

Practitioners failing to comply with the above may be disciplined by the EAA.

紀律處分個案分享

An inquiry hearing case

失實陳述 Misrepresentation

身為專業的地產代理從業員，有責任提供準確的樓盤資料。消費者選擇物業時，十分依賴從業員提供的資訊。因此，監管局提醒從業員，當客戶就樓盤作出查詢時，倘若不知道有關資料，切勿向客戶提供可能失實或含糊不清的資訊。

一對夫婦委託一名從業員尋找合適單位租住，該從業員先後兩次帶他們視察同一個單位。期間，該對夫婦多次詢問該從業員，單位大廈的平台是否用作垃圾收集點，惟該從業員在未有查清事實前，向客戶表示該處只是垃圾車暫時停泊的地點，而垃圾收集點處於屋苑另一座，而事實上，垃圾收集點的確

設置於大廈平台。

該對準租客重複提出相同的問題，顯示他們十分關注垃圾收集點的位置，但該從業員始終沒有替準租客查明，就給他們一個失實的答案。該從業員在履行職務時，沒有盡量小心和盡一切應盡的努力，未有遵守《操守守則》第3.5.1段。

結果，該名從業員被監管局紀律委員會暫時吊銷牌照七天，其牌照上也被附加條件，要求他在一年內取得12個持續專業進修計劃核心科目的學分。

商會代表意見：

香港地產代理商總會主席李純鶴先生認為地產代理公司管理層應敦促從業員了解物業周圍的環境，避免失實陳述。如果客戶也想了解有關物業的其他問題，例如物業是否「凶宅」，從業員也應努力查證，而公司也可考慮備存物業的有用資料供從業員查閱。

地產代理聯會主席郭德亮先生認為從業員如專注於某一區的代理工作，應該多親身了解區內物業周圍的環境、物業設施的資料等。地產代理公司也應訂立守則，確保從業員依法執業。從業員亦宜多進修增值，了解執業時須要留意之處。

Comments from representatives of trade associations:

Chairman of the Hong Kong Real Estate Agencies General Association Mr Li Shun-hok commented that the management of estate agency companies should urge their staff to learn more about the surrounding



香港地產代理商總會李純鶴主席
Chairman of the Hong Kong Real Estate Agencies General Association Mr Li Shun-hok



地產代理聯會郭德亮主席
Chairman of the Property Agencies Association Mr Tony Kwok

environment of properties to avoid any misrepresentation. If clients would like to obtain other property information, such as whether the property concerned is a "haunted" flat (i.e. whether there was a fatal incident in the flat or nearby), practitioners should exercise due diligence to verify such information. Estate agencies could consider keeping records of useful property information for practitioners' reference.

Chairman of the Property Agencies Association Mr Tony Kwok said for practitioners who serve a particular neighbourhood, they should learn more about the environment and facilities of the properties in the area. Practitioners should also keep learning and get themselves well acquainted with all the relevant rules. Estate agency firms should also issue guidelines to ensure practitioners' compliance with the law.

Professional estate agency practitioners are responsible for providing accurate property information to clients. Consumers looking for a home rely heavily on the information provided by practitioners. The EAA reminds practitioners that when clients raise questions about the properties, if they are not sure about the answer, they must not provide information which may be inaccurate or unclear.

A couple asked a practitioner to look for a rental residential property. The practitioner arranged for them to view a flat twice. During the inspections, the couple repeatedly asked the practitioner whether the podium of the block was used to collect refuse. The practitioner, without verification, claimed that the podium was for the temporary parking of refuse-collection vehicles only and that the refuse-collection point was in another block of the housing estate. In fact, the refuse-collection point was on the podium floor of the block in question.

Although the tenants asked the same question repeatedly, which indicated that the location of the refuse-collection point was of great concern to them, the practitioner did not verify the information and gave an inaccurate answer. The practitioner did not exercise due care and diligence in fulfilling his duties, thus failing to comply with paragraph 3.5.1 of the Code of Ethics.

The EAA Disciplinary Committee suspended the practitioner's licence for seven days and attached a condition to his licence, requiring him to obtain 12 Continuing Professional Development (CPD) points in core subjects of the CPD Scheme.



牌費寬免期將於4月30日結束

監管局提醒從業員，牌費寬免計劃的寬免期將於**2010年4月30日**結束。倘若從業員希望透過續領牌照或申請退款獲得牌費寬免，必須於寬免期內提交申請。一般情況下，監管局會於十個工作天內完成牌照審批工作，以及於四星期內發出有關退款支票。寬免計劃的詳情，可參閱監管局網頁。

Fee concession period to end on 30 April

The EAA reminds practitioners that the concession period under the fee concession scheme will end on 30 April 2010. If practitioners would like to obtain the fee concession through licence renewal or refund application, they must submit their applications during the concession period. Under most circumstances, the EAA will be able to grant new licences within 10 working days and issue refund cheques under the concession scheme within four weeks. Details of the scheme can be found on the EAA website.



無牌從事地產代理工作 影響前途 Doing estate agency work without a licence may *ruin your life*

監管局提醒地產代理公司管理層，切勿要求無牌人士從事地產代理工作，因為這可令他們留有刑事罪行紀錄，影響一生。

監管局執行總監黃維豐先生說：「地產代理工作的定義廣泛。帶客視察物業或在街頭『兜客』參觀一手樓盤也可能被視為在業務過程中進行地產代理工作。不少地產代理公司都僱用所謂的『營業員見習生』。這些公司的管理層有責任確保這些見習生沒有從事地產代理工作。」

黃維豐表示，監管局不時巡查各區的商舖，包括在鄉村和離島的商舖，查看有否聘用無牌人士從事地產代理工作。

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。

監管局絕不容忍無牌執業的行為，並鼓勵舉報。局方會就有關涉嫌違法行為展開調查，有需要時更會「放蛇」。若有表面證據，監管局會將個案轉交警方處理。

The EAA warns the management of estate agencies not to engage unlicensed persons to carry out estate agency work, as these persons may end up with a criminal record as a result and have their lives ruined.

EAA Director of Operations Mr Anthony Wong said, "Estate agency work has a wide meaning. Bringing clients to view flats or enticing passers-by to view first-hand properties may amount to work done in the course of carrying out estate agency work. Quite a number of agencies employ so-called 'salesperson-trainees'. The management or employer of such agencies must make sure these trainees are not doing estate agency work."

Mr Wong said the EAA conducted regular compliance checks on estate agency shops of all districts, including those in villages and on outlying islands, to see if any unlicensed persons had been engaged to carry out estate agency work.

Conducting unlicensed estate agency work is an offence and is liable to a maximum fine of \$500,000 and two years' imprisonment.

The EAA has zero tolerance for unlicensed estate agency work and encourages the public to report such cases. It will investigate any case in connection with unlicensed estate agency work and carry out covert operations if necessary. If there is prima facie evidence, the EAA will refer such cases to the police for further action.

監管局舉辦 《善用工業大廈新措施簡介》專題講座 EAA organises seminar on optimising the use of industrial buildings

監管局於2010年1月28日舉辦《善用工業大廈新措施簡介》專題講座，由多位政府部門代表向從業員介紹政府即將推出的善用工業大廈新措施。

講座為監管局的持續專業進修活動，吸引了逾400名從業員參加。講者包括發展局發展機遇辦事處主任羅志康先生、地政總署助理署長林潤棠先生、屋宇署助理署長毛劍明先生及規劃署助理署長凌嘉勤先生。在講座上，他們向從業員介紹政府因應香港不斷轉變的經濟和社會需要而推出的一系列促進重建或整幢改裝工業大廈作其他用途的新措施。



發展局發展機遇辦事處主任羅志康先生介紹了政府的善用工業大廈新措施。

Mr Laurie Lo, Head of the Development Opportunities Office of the Development Bureau, introduces the Government's new initiatives to make better use of industrial buildings.

羅志康先生在講座上簡介了現時工廠大廈的使用情況、活化工廠大廈的好處，以及政府為鼓勵重建和改裝整幢工廠大廈而即將推行的新措施。他說：「從業員多了解有關新措施內容，有助他們向客戶提供正確有用的資訊，協助業主透過重建和整幢改裝，參與工廈活化。」

監管局將於今年稍後，就一些與地產代理工作息息相關的議題，舉辦更多專題講座。

The EAA organised a seminar on “Optimising the use of industrial buildings” on 28 January 2010, at which officials from various Government departments briefed attending practitioners on the Government’s upcoming initiatives on optimising industrial buildings.

The seminar, which was an activity under the EAA’s CPD Scheme, was well attended by over 400 practitioners. Speakers at the seminar included the Head of the Development Opportunities Office of the Development Bureau, Mr Laurie Lo; the Assistant Director of the Lands Department, Mr Jeff Lam; the Assistant Director of the Buildings Department, Mr Mo Kim-ming; and the Assistant Director of Planning, Mr Ling Kar-kan. The speakers introduced a series of measures which the Government will soon adopt to facilitate redevelopment or wholesale conversion of industrial buildings to alternative uses to meet Hong Kong’s changing economic and social needs.

Mr Lo gave an overview of the existing uses of industrial buildings, the advantages of making better use of these buildings, and the Government’s new measures to encourage their redevelopment or wholesale conversion. He said, “Practitioners are encouraged to learn more about the new initiatives so that they can provide useful information to their clients.”

The talk was the first of a series to be organised by the EAA this year on topics related to estate agency work.

過半數持牌人從事地產代理至少九年

Over half of the licensees are in the trade for *nine years or more*

根 據監管局的問卷調查結果，逾一半的持牌人從事地產代理工作達九年或以上。

監管局去年10月收回約1,200份續牌人士填寫的問卷，綜合其中所得數據，發現在受訪持牌人中，逾三成從事地產代理工作超過十二年，另外兩成人的年資有九年至十二年。

超過八成持牌人在申請續牌時有從事地產代理工作。

大部分持牌人是以處理二手住宅物業買賣為主。超過七成持牌人表示過去一年曾經處理二手物業，曾處理一手物業的有兩成。

超過六成持牌人是以地產代理公司僱員身份從事有關工作。約有兩成人具備大專或以上程度，六成人有中五程度。

More than half of the licensees have worked in the estate agency trade for at least nine years, according to a survey conducted by the EAA.

Based on some 1,200 questionnaires returned by licensees who applied for renewal of licences in October 2009, the survey found that more than one third of the respondents had worked in the trade for over 12 years and 20% of them had worked from 9 to 12 years.

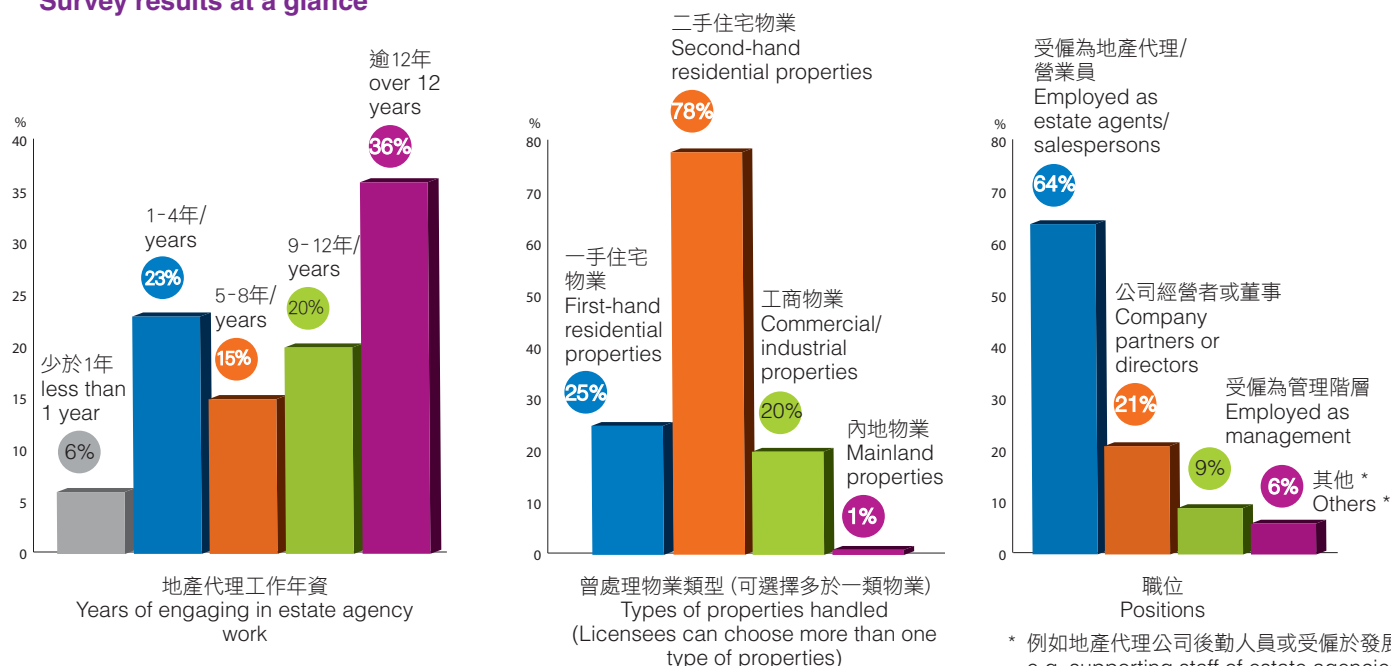
More than 80% of licensees were active in the trade when they applied for licence renewal.

The results also suggest that the most common type of property handled by licensees was second-hand residential properties, with more than 70% of them dealing with such properties in the past year. Those who handled transactions of first-hand residential properties during the same period amounted to 20%.

More than 60% of the licensees engaged in estate agency work as employees of estate agency companies. About 20% of them have attained tertiary educational level or above and 60% have an educational level of Form Five or its equivalent.

調查主要數字一覽

Survey results at a glance



300間地產代理商舖獲頒發**2009年「商舖嘉許獎章」** 300 estate agency shops awarded **2009 CPD Mark**

2009年12月，監管局頒發2009年「地產代理商舖專業進修嘉許獎章」（「商舖嘉許獎章」）予300間地產代理商舖，以表揚有關商舖的地產代理從業員積極參與持續專業進修計劃。

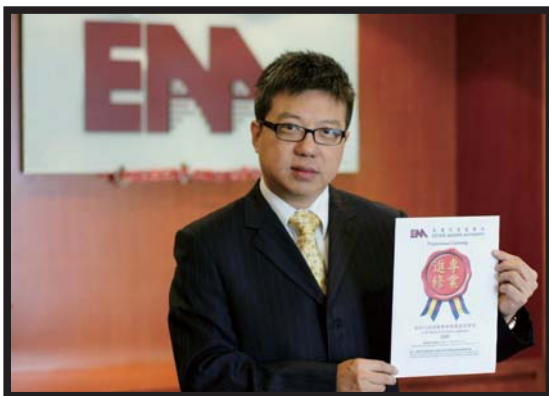
獲頒發2009年「商舖嘉許獎章」的商舖，可於2010年內，在店內張貼嘉許獎章標誌，並在其發出的其他文件和員工名片上，印上該標誌。

2008年底，共有172間地產代理商舖獲得監管局頒發「商舖嘉許獎章」。

2008年6月，監管局推出「商舖嘉許獎章計劃」，以鼓勵業界參與持續專業進修活動。根據計劃，倘若商舖於每年10月1日有一半或以上的從業員（當中包括商舖或分行經理）達到監管局的學分要求，可獲頒發「商舖嘉許獎章」。

為了進一步方便和鼓勵從業員更積極參與持續專業進修計劃，監管局由2009年10月1日開始，劃一持續專業進修時段為每年10月1日至翌年9月30日，並把進修學分要求由每年10分提高至12分。此外，監管局將提高「商舖嘉許獎章」達標員工的比率要求，由50%提升至80%。新門檻將適用於申請2011年及其後的「商舖嘉許獎章」。

獲嘉許的商舖名單已上載於監管局網頁。



監管局專業發展委員會主席李峻銘先生表示，獲頒「商舖嘉許獎章」的商舖數目大幅增加，成績令人鼓舞。
Chairman of the EAA Professional Development Committee Mr Eric Lee says it is encouraging to see a significant increase in the number of estate agency shops awarded the CPD Mark.

In December 2009, the EAA awarded the 2009 CPD Mark for Estate Agencies Award Scheme (CPD Mark) to 300 estate agency shops, in recognition of their estate agency practitioners' active participation in the EAA's CPD Scheme.

The shops may display the 2009 CPD Mark decal in their shops and have it printed on their documents and employees' business cards in 2010.

In late 2008, a total of 172 shops were awarded the CPD Mark.

The EAA launched the CPD Mark Scheme in June 2008, with the aim of encouraging greater participation in CPD activities by practitioners. Under the scheme, a shop with 50% or more of its practitioners (including the shop or branch manager) meeting the CPD point requirement as at 1 October each year will be given the CPD Mark.

For the convenience of practitioners and to further boost participation in the CPD Scheme, the EAA has, since 1 October 2009, standardised the CPD period to commence on 1 October each year and end on 30 September of the following year. The EAA has also increased the CPD point requirement from 10 to 12 a year. In addition, the EAA will raise the threshold for the award of the CPD Mark from 50% to 80% of licensed employees (including the shop or branch manager) attaining the CPD point target for the 2011 CPD Mark and thereafter.

The list of shops awarded the 2009 CPD Mark is available on the EAA website.



監管局出版 資格考試參考試題

監管局出版了130條資格考試參考題目及答案，讓準考生更能掌握地產代理和營業員資格考試試題的深度和類型，從而作出最佳的應試準備。

該些參考試題包括獨立試題和個案研究的題目，涵蓋不同範圍。監管局期望，準考生研讀這些題目後，對地產代理的法律和實務，會有更深入的認識。

監管局亦訂下一系列指標，作為監管局對新入職持牌人的專業知識和水平的期望。

上述題目和指標已上載在監管局網頁。

營業員資格考試參考題目

根據《地產代理常規（一般責任及香港住宅物業）規例》，營業員在為某人進行任何地產代理工作前，必須告知該人士以下哪些事情？

- (i) 他是持牌營業員
 - (ii) 他的營業員牌照號碼
 - (iii) 他任職的地產代理公司的營業詳情說明書號碼
- A. 只有 (i)
 - B. 只有 (ii)
 - C. 只有 (i) 和 (ii)
 - D. 只有 (ii) 和 (iii)
 - E. (i)、(ii) 和 (iii)

Sample examination questions published

The EAA has published 130 sample questions and answers to help candidates understand the requirements and the types of questions of the Estate Agents Qualifying Examination (EAQE) and Salespersons Qualifying Examination (SQE), so that they can better prepare for the examination.

The sample questions and answers include stand-alone and case-study questions, and cover different areas. The EAA hopes that candidates can have a deeper understanding of estate agency law and practice after studying these questions.

The EAA has also published a set of “Day One Outcomes” which delineates the level of knowledge, skills and abilities expected of new licensees joining the estate agency trade.

The questions and “Day One Outcomes” have been posted on the EAA website.

Sample SQE question

Under the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, which of the following must a salesperson tell a person before doing any estate agency work for that person?

- (i) that he is a licensed salesperson
 - (ii) the number of his salesperson's licence
 - (iii) the number of the statement of particulars of business of the estate agency company that he works for
- A. (i) only
 - B. (ii) only
 - C. (i) and (ii) only
 - D. (ii) and (iii) only
 - E. (i), (ii) and (iii)

Sample EAQE question

Peter is the manager of a branch office of Wonderful Estate Agency. In order to ensure that a proper information technology ("IT") system is in place in

地產代理資格考試參考題目

彼得是極好地產代理公司的分行經理。為確保有一套恰當的資訊科技系統設置，以配合法例的要求和保障個人資料，彼得須採取以下哪項／些適當的措施以履行其有效管理和控制業務的責任？

- (i) 禁止使用盜版軟件
 - (ii) 制訂和實施程序，以減低資訊保安風險
 - (iii) 在與資訊科技服務承辦商簽訂的合約中加入保障電腦系統內的資訊保密的條款
- A. 只有 (i)
 B. 只有 (ii)
 C. 只有 (i) 和 (ii)
 D. 只有 (ii) 和 (iii)
 E. (i)、(ii) 和 (iii)

答案載於本頁

compliance with legal requirements and to protect personal data, which of the following are the proper steps that Peter should take in discharge of his duty to provide effective management and control?

- (i) Prohibit the use of pirated software
 - (ii) Devise and implement procedures to reduce information security risks
 - (iii) Include items in the contract with the IT contractor to safeguard the confidentiality of the data in the computer system
- A. (i) only
 B. (ii) only
 C. (i) and (ii) only
 D. (ii) and (iii) only
 E. (i), (ii) and (iii)

Answers can be found on this page.

資格互認安排的法例修訂已通過

Legislative amendment on mutual recognition of qualifications passed



監管局行政總裁余呂杏茜女士(後排中)出席於2009年11月13日舉行的《2009年地產代理(發牌)(修訂)(第2號)規例》小組委員會會議。

EAA Chief Executive Officer Mrs Rosanna Ure (back row, middle) attends a meeting of the Subcommittee on Estate Agents (Licensing) (Amendment) (No. 2) Regulation 2009 held on 13 November 2009.

為 確立香港與內地地產代理資格互認而所擬訂的《2009年地產代理(發牌)(修訂)(第2號)規例》，已獲立法會通過。

在審議該修訂規例的立法會小組會議上，有立法會議員就計劃的執行細節提出多個問題，包括如何在香港以外地區監管持牌人執業和調查投訴等。就這些議題，監管局須要與中國房地產估價師與房地產經紀人學會深入探討，並商討如何落實計劃。

The Estate Agents (Licensing) (Amendment) (No. 2) Regulation 2009, which seeks to implement the mutual recognition of qualifications for estate agents in Hong Kong and the Mainland, was passed by the Legislative Council.

During meetings of the Legislative Council subcommittee set up to scrutinise the amendments, legislators raised a number of questions on the detailed arrangements of the scheme, including the regulation of licensees and investigation of complaints outside Hong Kong. The EAA will, therefore, further liaise with the China Institute of Real Estate Appraisers and Agents to address the issues raised and work out the details.

活動紀要 Events and activities

EAA



3/11/2009

監管局行政總裁余呂杏茜女士（中）接待來自新加坡國家發展部的官員。代表團由該部的副秘書長財愷先生（左三）率領。
EAA Chief Executive Officer Mrs Rosanna Ure (middle) receives officials of the Singapore Ministry of National Development, led by Deputy Secretary of the Ministry Mr Chionh Chye Khye (third from left).



4/2/2010

監管局主席陳韻雲女士出席地產代理聯會的歲晚同業聯歡晚會，並擔任主禮嘉賓。
EAA Chairman Ms Vivien Chan attends the Property Agencies Association's annual banquet and is one of the officiating guests.



23/11/2009

監管局主席陳韻雲女士在香港專業地產顧問商會的第七屆理事會就職典禮上，分享她對於誠信文化的看法。
EAA Chairman Ms Vivien Chan shares her views on building a culture of integrity at the inauguration ceremony of the 7th Committee of the Hong Kong Chamber of Professional Property Consultants.



27/1/2010

監管局主席陳韻雲女士（左）及行政總裁余呂杏茜女士（右）舉行記者會，回顧監管局2009年的工作，及簡介2010年的新措施。
EAA Chairman Ms Vivien Chan (left) and Chief Executive Officer Mrs Rosanna Ure (right) hold a press briefing to give an account of the EAA's work in 2009 and introduce the EAA's initiatives for 2010.

統計數字 Statistics

牌照數目 (於2009年12月31日計算)

Number of licences (as at 31/12/2009)

營業員牌照 Salesperson's licences	13,575
地產代理 (個人) 牌照 Estate agent's licences (individual)	+ 12,235
個人牌照總數 Total no. of individual licences	25,810
地產代理 (公司) 牌照 Estate agent's licences (company)	1,956

營業詳情說明書數目 (於2009年12月31日計算)

Number of statements of particulars of business (SPOBs)
(as at 31/12/2009)

總數 Total
4,660

合夥經營
Partnerships
260

獨資經營
Sole proprietorships
1,517

有限公司
Limited companies
2,883

接獲的投訴/破產個案數目 (2009年1月至12月)

Number of complaint / bankruptcy cases received (January to December 2009)

投訴個案 Complaint cases	672
破產個案 Bankruptcy cases	105

已處理的投訴個案結果* (2009年1月至12月)

Results of completed complaint cases* (January to December 2009)

其他 (例如投訴人撤回投訴或由於被投訴人不再是持牌人而終止調查)
Others (e.g. cases withdrawn by the complainant or curtailed because the complaine was no longer a licensee)

資料不足
Insufficient information to pursue

指稱成立
Substantiated

總數 Total
643

指稱不成立
Unsubstantiated

已處理的破產個案數目 (2009年1月至12月)

Number of completed bankruptcy cases (January to December 2009)

104*

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

巡查次數 (2009年1月至12月)

Number of compliance inspections (January to December 2009)

「一手」樓盤 First-sale sites	1,124
代理商舖 Agency shops	905
網上物業廣告 Online property advertisements	501

經巡查或抽查而發現並成立的違規個案 (2009年1月至12月)

67*

Number of substantiated non-compliance cases arising from inspections or spot checks (January to December 2009)

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

紀律處分 (2009年1月至12月)

Disciplinary actions (January to December 2009)

被暫時吊銷的牌照數目 Number of licences suspended	32
被撤銷的牌照數目 Number of licences revoked	0

地產代理資格考試

Estate Agents Qualifying Examination

地產代理資格考試 Estate Agents Qualifying Examination	參加人數 No. of candidates	合格率 Pass rate
26/2/2009	535	61%
23/4/2009	732	41%
20/8/2009	1,543	70%
17/12/2009	1,755	45%
營業員資格考試 Salespersons Qualifying Examination	參加人數 No. of candidates	合格率 Pass rate
27/2/2009	371	67%
24/4/2009	498	66%
26/6/2009	1,044	57%
21/8/2009	1,215	67%
23/10/2009	1,558	64%
18/12/2009	1,347	56%

《專業天地》由監管局寄發。如果你不希望再收到此刊物，請致電 3628 9711或電郵至enquiry@eaa.org.hk通知監管局。
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