



## 法律事務 LEGAL AFFAIRS

法律事務組主要為監管局內其他組別提供法律上的支援，及就監管局運作所引起的法律事宜提供意見。該組職員除擔任執業委員會的秘書外，亦於紀律研訊中擔任紀律委員會的書記。此外，亦代表監管局一方出席上訴審裁。在過去一年，法律事務組亦為檢討《執業規例》專責小組的工作提供支援。

### 紀律研訊

在2002/03年度，紀律委員會共舉行過140次紀律研訊。大多數研訊都涉及因持牌人破產而影響適當人選資格繼續持牌的問題。其餘的研訊事由，有持牌人違規及違反專業操守，當中包括：無牌執業、申請牌照時作虛假聲明、使用有別於牌照上列明的姓名、襲擊其他行家、違反送贈承諾、沒有披露對於物業擁有的權益以及在處理確認人轉讓中疏忽行事。

The Legal Affairs Section provides legal support to all other sections of the EAA and advises on legal matters arising from the general operation of the EAA. Staff members of the section also act as secretary to the Practice Committee and clerks to the Disciplinary Committee at inquiry hearings. They appear on behalf of the EAA at appeal hearings. In the past year, the Legal Section also provided secretarial services to the Working Group formed for the Review of the Practice Regulation.

### INQUIRY HEARINGS

During 2002/03, a total of 140 inquiry hearings were held. Whilst the majority of the hearings were on the fitness of licensees who had become undischarged bankrupts to continue holding the licence, others were convened to adjudicate on licensees' non-compliance with the regulations and allegedly unethical behaviour. These included unlicensed practice, making false declarations when applying for licence, using a name other than that specified on the licence, physically attacking fellow practitioners, renegeing on promise of cash incentives, non-disclosure of beneficial interest in property transaction, and gross negligence in handling confirmor sales.

**通告**

監管局發出的通告，除協助從業員瞭解監管局的政策決定及新實施法例和規例外，亦在從業員的執業手法及操守方面，提供指引。在2002/03年度，監管局總共發了11則通告。

**CIRCULARS**

Circulars were issued to practitioners to keep them abreast of policy decisions of the EAA and current laws and regulations. The circulars also provide guidelines on compliance for specific areas of practice. During 2002/03, a total of 11 circulars were issued to practitioners.

**2002/03年度發出的通告**  
**Circulars Issued during the year 2002/03**

<b>題目</b> <b>Topic</b>	<b>編號</b> <b>No.</b>
與樓盤廣告有關的規定 Regulations on Advertising	02-05(CR)
違例張貼街招海報(2) Posting Unauthorised Bills and Posters (2)	02-06(CR)
房屋委員會 / 房屋協會屋苑名單 Lists of Estates under the Housing Authority and the Housing Society	02-07(CR)
電話促銷活動 Cold-Calling	02-08(CR)
居屋入息限額調低 Downward Adjustments of Income Limits for Applicants of Home Ownership Scheme	02-09(CR)
信託戶口 Trust Accounts	02-10(CR)
推銷新樓盤事宜 First Sales	02-11(CR)
平等機會 Equal Opportunities	03-01(CR)
臨時買賣合約 Provisional Agreement	03-02(CR)
「置業資助貸款計劃」 Home Assistance Loan Scheme	03-03(CR)
《2002年業主與租客(綜合)(修訂)條例》 Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002	03-04(CR)

諮詢事項

其他機構經常就公眾權益，特別與地產代理執業有關的事項，向監管局提出諮詢，在2002/03年度，監管局曾於下列諮詢事項中提出回應：

CONSULTATIONS

From time to time, the EAA is consulted by public bodies on issues of community interest, especially those which relate to the practice of estate agents. In 2002/03, the EAA made responses in the following consultation exercises :

諮詢機構 Consulting Organisations	諮詢事項 Issues	日期 Date
資訊科技及廣播局 Information Technology and Broadcasting Bureau	《電子交易條例》的檢討 Review of Electronic Transactions Ordinance	5/2002
律政司 Department of Justice	有關有限公司簽立契據的法律修訂 Law amendments relating to execution of deeds by corporations	8/2002
房屋及規劃地政局 Housing, Planning and Lands Bureau	法律改革委員會就本地已建成住宅樓宇的建議 Recommendations of the Law Reform Commission on Local Completed Residential Properties	1/2003
房屋及規劃地政局 Housing, Planning and Lands Bureau	放寬租住權保障的諮詢 Relaxation on security of tenure	3/2003

