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,並且就《常規規例》的檢討及監管局日常運作所引起的法律事宜提供意見。該組職員除擔任發牌及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。

The Legal Affairs Section provides legal support to all other Sections of the Authority and advises on the review of the Practice Regulation and other legal matters arising from the general operation of the Authority. Staff members of the Section also act as secretary to the Licensing and Practice Committee and clerks to the Disciplinary Committee at inquiry hearings. They appear on behalf of the Authority at appeal hearings.

紀律研訊

擔保與抵押

在 2003/04 年度,紀律委員會共舉行了 185 次紀律研訊。其中大部份研訊涉及 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,其中包括:無 牌執業、在公眾地方行為不檢、沒有披露對於物業的權益、沒有在促成交易前處理或向客戶解釋仍未解除產權負擔對 有關物業的影響。

Inquiry Hearings

During 2003/04, a total of 185 inquiry hearings were held. Of these the majority were on the fitness of licensees who had become undischarged bankrupt to continue holding the licence. The others were convened to adjudicate on licensees' non-compliance with the regulations and allegedly unethical behaviour. These included unlicensed practice, unruly behaviour in the public, non-disclosure of beneficial interest in property transactions, failure to advise clients on the effect of subsisting encumbrances on the title of the property concerned before concluding the deal, etc.





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 2003/04 年度,監管 局總共發出了7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 conduct and compliance for specific areas of practice. During 2003/04, a total of 7 circulars were issued to practitioners.

2003/04年度發出的執業通告

Circulars issued during the year 2003/04

題目	Торіс	編號 No.
■ 樓盤廣告中的價格	■ Prices in Property Advertisements	03-05(CR)
■ 鼓勵租賃雙方提供資料	■ Information to be provided by landlord and tenant	03-06(CR)
■ 房屋委員會、房屋協會屋苑名單	■ Lists of Estates under the Housing Authority and	03-07(CR)
	the Housing Society	
■ 有關有限公司簽立契據的法律修訂	■ Execution of Deeds by Corporations	03-08(CR)
■《保障投資者條例》與物業投資計劃	■ Protection of Investors Ordinance	03-09(CR)
■「偷盤」行為	■ Unethical/unlawful Transfer of Clientele	03-10(CR)
■ 防止「洗黑錢」措施	■ Preventive Measures on Money Laundering	04-01(CR)









諮詢事項

其他機構經常就公眾權益,特別是與地產代理執業有關的事項,諮詢監管局的意見。在2003/04年度,監管局曾於下列諮詢事項中提出回應:

Consultations

From time to time, the Authority is consulted by public bodies on issues of community interest, especially those which relate to the practice of estate agents. In 2003/04, the EAA made responses in the following consultation exercises:

諮詢機構及事項	Consulting Organizations and Issues	日期 Date
打擊清洗黑錢財務行動特別小組秘書處	Financial Action Task Force Secretariat	04/2003
打擊清洗黑錢財務行動特別小組	Financial Action Task Force on Money Laundering	
立法會	Legislative Council	05/2003
《2002公司(修訂)條例草案》有關公司	Companies (Amendment) Bill 2002	
董事貸款的規定	Provision of Financial Assistance to Directors	
工業貿易署	Trade and Industry Department	10/2003
《內地與香港關於建立更緊密經貿關係的	Mainland and Hong Kong	
安排》有關申請《香港服務提供者證明	Closer Economic Partnership Arrangement Application Procedures	
書》的程序	for Certificate of Hong Kong Services Supplier	