



積極參與執法

Proactive in
Law Enforcement





打擊物業交易中洗錢及恐怖分子資金籌集的風險

介紹新修訂條例及監管局發出的新執業通告

2018年1月，立法會頒布《2018年打擊洗錢及恐怖分子資金籌集（金融機構）（修訂）條例》（「《打擊洗錢條例》」）。該條例已於2018年3月1日生效，並將金融機構有關反洗錢及反恐怖分子資金籌集的法定規定延伸至指定非金融業人士，當中包括地產代理行業。

繼通過法例後，《地產代理條例》亦作出相應修訂，述明如不遵守《打擊洗錢條例》的規定，便能引發對《地產代理條例》中某些條文的適用，包括條例第27條下的暫時吊銷牌照或撤銷牌照、第28條下的調查及第29條下有關紀律處分的條文。同時，監管局也被委任為監察及監督地產代理在反洗錢／反恐怖分子資金籌集的指定相關規管機構。

2018年2月，監管局發出執業通告，就地產代理業的反洗錢／反恐怖分子資金籌集規定提供清晰全面的指引，以協助地產代理業進行客戶盡職審查、風險評估、持續監察客戶、備存紀錄、舉報可疑交易及員工培訓。

執法和教育措施

2018年，監管局採取了一系列針對性及具體措施，以提升持牌人對反洗錢／反恐怖分子資金籌集的認知，並監督其遵從的情況，確保他們符合《打擊洗錢條例》下的法定要求。

Combating money laundering and terrorist financing risks in property transactions

Introduction of the amended Ordinance and EAA's new practice circular

In January 2018, the Legislative Council enacted the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Ordinance 2018 ("AMLO"). This legislation, as taken effect on 1 March 2018, extends the statutory requirements of financial institutions in relation to anti-money laundering ("AML") and counter-terrorist financing ("CTF") to cover also estate agents as one of the Designated Non-Financial Businesses and Professions ("DNFBPs").

Consequential amendments were made to the Estate Agents Ordinance ("EAO") to the effect that non-compliance with the requirements under the AMLO may trigger the application of certain provisions in the EAO, including suspension or revocation of a licence under section 27, investigation under section 28 and provisions on disciplinary actions under section 29. At the same time, the EAA is designated as the relevant authority for monitoring and supervising estate agents' AML/CTF compliance.

In February 2018, the EAA issued a practice circular setting out clear and comprehensive guidelines on the AML/CTF requirements for the estate agency trade to conduct customer due diligence, perform risk assessment, maintain continuous monitoring of customers, keep records, report suspicious transactions and arrange staff training.

Enforcement and educational measures

During the year 2018, the EAA had taken a targeted approach and a series of concrete measures to build licensee's awareness on AML/CTF and monitor their compliance to ensure that they would meet the statutory requirements under the AMLO.

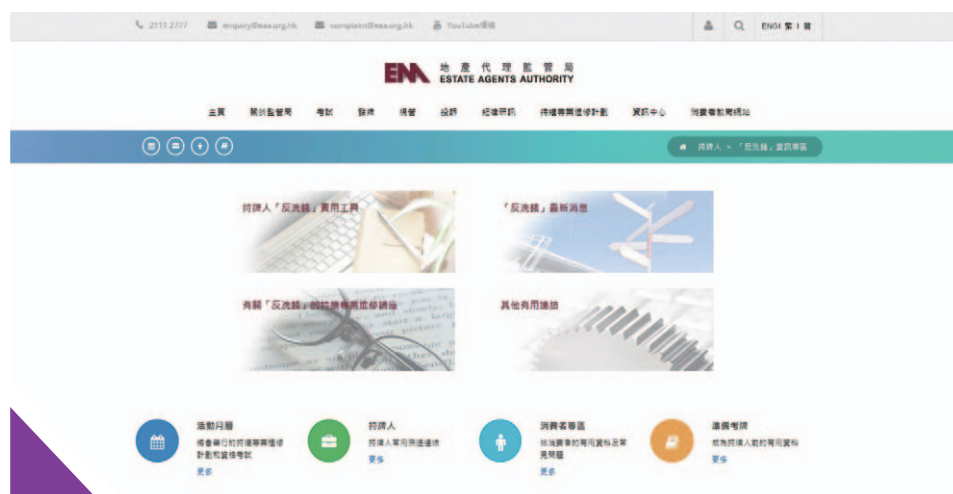


執行方面，監管局進行了密集及深入的合規巡查，以監督和規管地產代理業對反洗錢／反恐怖分子資金籌集要求的遵從情況。有關反洗錢／反恐怖分子資金籌集合規巡查的次數明顯增加，由2017/18年度（即《打擊洗錢條例》生效前）的283次增加至2018/19年度的786次。

此外，監管局亦推行了一系列提高對有關法例認知的外展措施，以提高持牌人對反洗錢／反恐怖分子資金籌集的認知及理解，使其可以充分掌握《打擊洗錢條例》及監管局執業通告中有關反洗錢／反恐怖分子資金籌集要求的所需知識。

On the enforcement front, the EAA conducted intensive compliance inspections to supervise and regulate the estate agency trade's compliance with the AML/CTF requirements. The number of AML/CTF compliance inspections carried out had notably increased from 283 inspections in 2017/18, which was before the AMLO took effect, to 786 in 2018/19.

Moreover, the following large-scale awareness building and outreaching measures had been adopted to improve licensees' understanding of their AML/CTF responsibilities and equip them with the necessary knowledge of the AML/CTF requirements as set out in the AMLO and the EAA's practice circulars.



監管局網站上的「反洗錢資訊專區」為持牌人提供相關資訊及最新消息。

The "AML corner" on the EAA website provides related information and updates for licensees.

「反洗錢」資訊專區

監管局在其網站新設置了「反洗錢資訊專區」，使持牌人易於取得有關反洗錢／反恐怖分子資金籌集的實用和最新資訊。「反洗錢資訊專區」提供了一些工具，如持牌人的清單、可疑交易指標，以及一些相關的連結和反洗錢／反恐怖分子資金籌集的最新消息。

AML Corner

The EAA had developed an AML Corner in its website to facilitate licensees' easy access to useful and updated information on AML/CTF. The AML Corner introduced several AML/CTF tools, such as a Checklist for Licensees, a list of Suspicious Transaction Indicators, as well as some useful links and the latest news on AML/CTF.



反洗錢教育套材有助業界熟習相關指引，同時協助他們向客戶解釋有關要求。

The AML educational kit familiarises the trade with the guidelines and assists them in explaining to their clients about the related requirements.

教育套材

監管局也製作了一套教育套材，當中包括反洗錢／反恐怖分子資金籌集的指引、宣傳單張和海報。該教育套材已分發至所有地產代理商舖，以協助持牌人向其客戶解釋遵從反洗錢／反恐怖分子資金籌集的重要性。

Educational kit

The Authority also produced an educational kit which included a copy of the EAA's guidelines on AML/CTF, an information leaflet and a poster. The educational kit was distributed to all estate agency shops to help licensees explain to their clients the importance of AML/CTF compliance.

電子單張

此外，在財經事務及庫務局的協力下，監管局製作了一份反洗錢電子單張，以協助持牌人向客戶解釋其法定責任，即須取得客戶身分證明文件副本，以履行客戶盡職審查及備存紀錄的要求。

e-Leaflet

Also, with the support of the Financial Services and the Treasury Bureau, the EAA had produced an AML e-leaflet to help licensees explain to their clients their statutory obligation to obtain copies of customers' identity documents for fulfilling the customer due diligence and record-keeping requirements.

持續專業進修活動

監管局與保安局禁毒處合作，設計全新的持續專業進修活動／課程，讓前線持牌人及地產代理公司的高級管理層有機會適時了解其在《打擊洗錢條例》及監管局有關反洗錢／反恐怖分子資金籌集指引下的要求和職責。

CPD activities

Continuing Professional Development ("CPD") activities, newly designed in collaboration with the Narcotics Division of the Security Bureau, offered both frontline licensees and senior management of estate agency firms opportunities to keep abreast of their responsibilities and obligations under the AMLO and the EAA's guidelines on AML/CTF.



資格考試

監管局在局方舉辦的定期資格考試中加入有關反洗錢／反恐怖分子資金籌集的試題，以確保地產代理業的新入行人士對反洗錢／反恐怖分子資金籌集法規的要求有充分的理解。

財務特別行動組織的相互評估

2018年11月，財務特別行動組織（制定打擊洗錢和恐怖分子資金籌集國際標準的跨政府組織）的代表到訪香港，就香港反洗錢／反恐怖分子資金籌集措施的成效進行檢討（亦稱相互評估）。

在2018年11月進行的相互評估進行前，監管局向保安局和財務特別行動組織提交反洗錢／反恐怖分子資金籌集合規巡查的報告，以及對財務特別行動組織的建議作出回應。此外，監管局和地產代理業的代表分別獲邀參與相互評估，以了解兩者是否均符合財務特別行動組織就反洗錢和反恐怖分子資金籌集的要求。

由財務特別行動組織編制的相互評估報告預計於2019年下半年公布，當中將總結截至到訪日地產代理業界的反洗錢和反恐怖分子資金籌集措施的合規情況。該報告還將分析業界就反洗錢／反恐怖分子資金籌集的遵從情況及相關制度的成效，並就如何強化該制度提出建議。由於相互評估是一項持續進行的工作，香港作為財務特別行動組織成員之一，必須展示其在打擊洗錢及打擊恐怖分子資金籌集方面的努力和貢獻。同時，作為指定非金融行業之一的地產代理業，也必須繼續努力以確保業界及從業員有效履行及遵守《打擊洗錢條例》下的要求。

Qualifying examinations

In its regular qualifying examinations, the EAA added new questions on AML/CTF to ensure new entrants to the estate agency trade have a good understanding of the AML/CTF requirements.

Mutual Evaluation with FATF

In November 2018, representatives of the Financial Action Task Force ("FATF"), an inter-governmental body that sets international standards on combating money laundering and terrorist financing, visited Hong Kong to conduct a review (also known as Mutual Evaluation) on the effectiveness of Hong Kong's AML/CTF measures.

Prior to the Mutual Evaluation which took place in November 2018, the EAA had submitted both the findings of its AML/CTF compliance inspections as well as feedback to the FATF's recommendations to the Security Bureau and the FATF. Also, representatives of both the EAA and the estate agency trade were invited to participate separately in the Mutual Evaluation to see if both had met the FATF requirements on both AML and CTF.

The Mutual Evaluation Report compiled by the FATF is expected to be published in the second half of 2019. It will summarise the estate agency sector's anti-money laundering and counter-terrorist financing measures in place as at the date of the on-site visit. The report will also analyse the trade's level of compliance and level of effectiveness of the AML/CTF system and provide recommendations on how the system could be strengthened. As the Mutual Evaluation is an on-going exercise, Hong Kong, being one of the FATF member jurisdictions, would have to demonstrate its efforts and contributions in combatting money laundering and terrorist financing. Likewise, the estate agency sector, as one of the DNFBPs, would have to keep up its work to ensure effective implementation of the AMLO amongst the trade as well as practitioners' AML/CTF compliance.



監管局和業界不斷努力

監管局在參與財務特別行動組織的相互評估後，未來重點將放在擴大監管局的反洗錢／反恐怖分子資金籌集的推廣工作及就業界遵從情況繼續進行根據風險評估的巡查及執法工作。

此外，監管局將提供全新的教育措施，例如「導師培訓課程」，讓地產代理公司管理層能掌握相關的知識和技能，監督其公司的反洗錢／反恐怖分子資金籌集的遵從情況。監管局亦會繼續安排有關舉報可疑交易的持續專業進修活動，以加強持牌人了解提交可疑交易報告的重要性及其正確方法。

同時，監管局會投放更多資源，確保局方對地產代理業遵守反洗錢／反恐怖分子資金籌集的要求進行全面及適當的監管。為了促進業界對遵從反洗錢／反恐怖分子資金籌集的有效管治、監督和控制，監管局將設計一份讓大型地產代理公司評估其反洗錢／反恐怖分子資金籌集風險、漏洞及遵從情況的自我評估表格，以及一份提供給較小型地產代理公司參考及使用的反洗錢／反恐怖分子資金籌集規定的方便指引。

特區政府和財務特別行動組織對指定非金融行業（包括監管局和地產代理業界）遵守《打擊洗錢條例》的情況有很高的期望。因此，監管局一直積極與特區政府、聯合財富情報組及其他國際相關組織合作，以確保能持續有效地執行《打擊洗錢條例》。監管局會繼續評估其整體執法及推廣法例認知的策略，以確保業界有效實施反洗錢／反恐怖分子資金籌集措施。

Continuous effort by the EAA and the trade

After the Mutual Evaluation conducted by the FATF, emphasis would be placed on the expansion of the EAA's AML/CTF outreaching efforts and its risk-based inspections and enforcement of the trade's compliance.

New educational measures such as "train-the-trainers" courses would be provided to equip staff members of estate agency firms who are at managerial level with proper knowledge and skills in supervising AML/CTF compliance of their firms. In addition, CPD activities on the appropriate ways to report suspicious transactions would be arranged to enhance licensees' understanding of the importance and proper ways to file suspicious transaction reports.

At the same time, the EAA will strengthen its manpower and other resources to ensure sufficient and appropriate supervision of the estate agency trade's AML/CTF compliance. To foster the trade's effective management, supervision and control of their AML/CTF compliance, a self-assessment form would be designed for large estate agency firms' use to assess their own AML/CTF risks, vulnerabilities and compliance. Moreover, user-friendly AML/CTF procedures would be devised for small firms' adoption.

It is understood that the Hong Kong Government and the FATF have high expectation on the DNFBPs, including the EAA as well as the estate agency trade in complying with the AMLO. As such, the EAA has been actively collaborating with the Hong Kong Government, the Joint Financial Intelligence Unit and other international counterparts to ensure consistent, effective and efficient implementation of the AMLO. The EAA will keep evaluating its overall enforcement and outreaching strategies such that effective implementation of AML/CTF measures among the trade is warranted.



操守與守則

守則簡介

監管局不時檢視業界的執業手法及發出執業通告，並提供指引予業界依循，使持牌人能夠遵從法律規定的責任。年內，監管局共發出了兩份執業通告。

發出執業通告

鑑於公眾日漸關注地產代理發出的物業廣告可能含有虛假或誤導性資料，監管局發出新的執業通告，就持牌人發出廣告提供進一步指引。

根據該執業通告，除了在發出物業廣告前須先取得該物業的賣方／業主的書面同意，及採取一切合理步驟核實該廣告所載資料的準確性之外，地產代理公司須就每一個發出廣告的物業編配一個獨有的識別編號（「物業編號」），並在廣告上清楚及可閱地述明該物業編號及廣告發出或更新的日期（「廣告日期」）。此外，地產代理公司須確保廣告所載的所有資料在廣告日期之日是準確及有效的。為協助業界更了解該執業通告的要求，監管局在網站上提供一套「問與答」供業界參考。

由於公眾持續高度關注地產代理於一手樓盤銷售點的秩序和行為，故監管局發出加強版的執業通告，就地產代理於一手樓盤銷售點的秩序事宜列出更嚴謹的指引。根據該執業通告，地產代理公司不得調派非持牌員工到一手樓盤銷售點進行任何形式的推廣活動。地產代理公司亦須委任一名總樓盤監督以監督和監察所有被調派往一手樓盤銷售點工作人員的秩序及行為。該總樓盤監督必須持有地產代理（個人）牌照最少十年，並已

Ethics and Regulations

Introduction of regulations

The EAA reviews the practices of the trade and issues practice circulars to provide guidelines and directives on estate agency practice from time to time, to enable licensees to comply with their duties under the law. In the year, two circulars were issued.

Issuance of practice circulars

In response to increasing public concern that advertisements for properties issued by estate agents may contain false or misleading particulars, the EAA issued a new practice circular providing further guidelines for licensees when issuing advertisements.

According to this practice circular, estate agency companies, in addition to obtaining the prior written consent of the vendors/landlords and taking all reasonable steps to verify the accuracy of the information contained in the advertisements before issuance, must assign a unique identification number ("Property Number") to each property to be advertised and state clearly and legibly the Property Number and the date of which the advertisement is issued or updated ("Advertisement Date") on the advertisement. Moreover, estate agency companies must ensure that all information contained in the advertisements is accurate and valid as at the Advertisement Date. To assist the trade to better understand the requirements of this practice circular, a set of "Questions and Answers" ("QAs") were provided at the EAA website for the trade's reference.

As the order and conduct of estate agents at first-sale sites have constantly aroused considerable public concern, the EAA issued an enhanced practice circular setting out more stringent guidelines on estate agents' order at first-sale sites of residential properties. According to this practice circular, estate agency companies must not deploy non-licensed staff to the first-sale sites for any form of promotional activities. Estate agency companies are also required to appoint a Commander-in-Chief ("CIC") to monitor and oversee the order and conduct of all staff deployed to first-sales sites, who must be a holder of an estate agent's licence (individual) for a period of at least 10 years and has been working in a managerial role for at least five years; or is a sole-proprietor/partner/director



擔任管理職位最少五年；或為該地產代理公司的獨資經營者／合夥人／董事；及沒有在獲委任為總樓盤監督前的最後三年內被紀律處分。

在每個樓盤銷售開始前最少一天，地產代理公司亦需向監管局提供將被調派的所有員工的名單、指揮系統圖表、及就員工調派和如何於一手樓盤銷售點藉總樓盤監督管理員工行為以維持良好秩序的內部政策。為協助業界遵守該執業通告的要求，監管局已擬備相關的「問與答」、「一手住宅樓盤銷售前簡介會紀錄」範本及「一手住宅樓盤銷售前簡介會員工出席紀錄及擬被調派的持牌員工名單」範本，並上載至監管局網站。

投訴與巡查

處理投訴與查詢

監管局於2018/19年度接獲291宗投訴，較2017/18年度的425宗減少了32%。有關一手住宅物業銷售的投訴，則由2017/18年度的80宗，減少至2018/19年度的49宗。在291宗的投訴中，指稱主要涉及不妥善處理臨時買賣合約（或臨時租約）、提供不準確或具誤導性的物業資料、以及未能與客戶簽訂地產代理協議或向客戶解釋協議。至於涉及一手住宅物業銷售的最常見投訴則包括：未有履行回贈承諾、提供具誤導性按揭資料及向買家提供貸款。

2018年7月，監管局就其處理投訴程序推出全新服務承諾，以涵蓋由展開投訴調查至進行首次紀律研訊的整個過程。在新的服務承諾下，若有關個案會轉介予紀律研訊部作紀律研訊屬普通個案，其調查時間由展開調查起計至首次紀律研訊將會期望於10個月內完成；而屬複雜個案的，則為13個月內。至於快速個

of the estate agency company. Moreover, he/she must not have been subject to any disciplinary action within the last three years prior to his appointment as CIC.

At least one day before the launch of the sale for each development, estate agency companies also need to provide to the EAA a list of all staff to be deployed; a chain of command chart; and an internal policy on staff deployment and how to manage staff's conduct for maintaining good order at the first-sale sites through the CIC. To assist the trade to comply with the requirements of this practice circular, QAs on pertinent issues, "Sample Record of Pre-sale Briefing for First Sale of Residential Properties" and "Sample Staff Attendance Record of Pre-sale Briefing for First Sale of Residential Properties and List of Staff to be Deployed" were prepared and uploaded on the EAA website.

Complaints and Inspections

Complaints and enquiries handling

In 2018/19, the EAA received 291 complaints, a decrease of 32% from 425 complaints in 2017/18. The complaints concerning the sale of first-hand residential properties had decreased from 80 cases in 2017/18 to 49 cases in 2018/19. Key allegations of the 291 complaints included mishandling the provisional agreement for sale and purchase (or the provisional tenancy agreement), providing inaccurate or misleading property information and failure to enter into an estate agency agreement with clients or explain the agreement to clients. The most common complaints related to first-hand residential properties included failure to honour rebate promises, provision of misleading mortgage information and offering loans to purchasers.

In July 2018, the EAA launched a new single performance pledge on its complaint handling process from the start of a complaint investigation to the conduct of the first inquiry hearing proceedings. Under the new performance pledge, the time from commencement of investigation to the first disciplinary inquiry hearing is set to be within 10 months for Normal Cases and within 13 months for Complex Cases respectively, where the case is referred to the Disciplinary Proceedings Section for conducting



案，若只涉及紀律處分新計劃下簡單常見的違規行為，會從展開調查起計6個月內在監管局網站公布持牌人承認的違規事項。這項清晰的全新服務承諾，目的在令公眾及持份者更易於理解。自全新服務承諾實施以來，投訴及行動部與紀律研訊部同事均致力確保所有個案都得以徹底和迅速處理。

除了處理投訴，監管局於2018/19年度亦處理了7,265宗有關地產代理執業手法的查詢，並就1,447宗查詢採取相關的跟進行動。由於過往四年收到大量查詢，監管局將於2019年招聘更多員工，以應付日益增加的工作量，好能在處理公眾查詢時達至良好的服務水平。

inquiry hearing. For Fast Track Cases, which involve only common but straightforward breaches to be dealt with under the New Scheme for Disciplinary Cases, the time from commencement of investigation to the publication date of admitted breaches on the EAA website is set to be within six months. The new performance pledge seeks to present a clearer picture to the public and stakeholders as the pledge is based on a simple approach. Since the implementation of the new performance pledge, both the Complaints and Enforcement Section and the Disciplinary Proceedings Section worked diligently to ensure all cases were being dealt with thoroughly and expeditiously.

In addition to complaints, the EAA also received 7,265 enquiries on estate agency practices in 2018/19, and in response to those enquiries, the EAA took follow-up actions on 1,447 enquiries. Due to the high volume of enquiries received over the past four years, additional staff will be recruited in 2019 to help out on the increasing workload so as not to compromise a good standard of performance in handling public enquiries.



監管局於2018/19年度接獲291宗投訴，較2017/18年度的425宗減少了32%。
In 2018/19, the EAA received 291 complaints, a decrease of 32% from 425 complaints in 2017/18.



投訴個案 Complaint Cases

個案數目 Number of Cases	2016/17	2017/18	2018/19
開立的個案 Opened	477	425	291
已完成的個案* Completed*	368	440	333

* 年內完成的個案部分為往年接獲的個案，當中包括表面證據成立並轉介予紀律委員會處理的個案，以及由投訴及行動部處理的表面證據不成立的個案。

* Some cases completed in a year were brought forward from previous years. The figures include prima facie cases referred to and dealt with by the Disciplinary Committee and non-prima facie cases disposed of by the Complaints and Enforcement Section.

已完成的個案結果* Results of Cases Completed*	2016/17	2017/18	2018/19
指稱成立 [△] Substantiated [△]	95	131	106
指稱不成立 Unsubstantiated	131	187	146
資料不足 Insufficient information to pursue	45	33	22
其他 [#] Others [#]	97	89	59
總數 Total	368	440	333

* 年內完成的個案部分為往年接獲的個案，當中包括表面證據成立並轉介予紀律委員會處理的個案，以及由投訴及行動部處理的表面證據不成立的個案。

[△] 如個案中所涉及任何一項指稱被分類為「指稱成立」，該已完成處理的個案即會被歸類為「指稱成立」。

[#] 包括擱置調查、取消投訴或因其他原因而終止調查的個案。

* Some cases completed in a year were brought forward from previous years. The figures include prima facie cases referred to and dealt with by the Disciplinary Committee and non-prima facie cases disposed of by the Complaints and Enforcement Section.

[△] A completed case will be classified as "Substantiated" if any of the allegations involved therein has been concluded as "Substantiated".

[#] Include cases which were curtailed, withdrawn or closed due to other reasons.



合規巡查及調查

2018/19年度，監管局一如以往於地產代理商舖及一手住宅物業銷售點進行巡查工作。在巡查期間，行動部定期提醒前線從業員要遵從新執業通告（編號18-02(CR)及18-03(CR)）的要求，以提升其專業水平和操守，並同時確保他們嚴格遵守規定。同時，局方亦監察從業員所刊登的網上及印刷廣告。透過緊密抽查網上物業平台及相關廣告，局方能迅速發現違反條例及指引的個案，繼而採取適時的執法行動。儘管如此，監管局仍發現各種與廣告相關的違規行為有上升的趨勢，加上消費者對物業廣告的期望不斷提高，行動部將繼續採取積極執法行動及抽查網上物業平台和社交媒體，以維護公眾利益。

鑑於公眾對購買境外物業的興趣日增，監管局定期執行巡查，以了解持牌人是否有遵守境外物業銷售的執業指引。局方亦積極視察銷售境外物業的宣傳地點，以了解持牌地產代理所採用的各種銷售策略，並不時採取「放蛇」行動，以暗中偵查有否任何不當行為，例如在宣傳這些物業時作出誤導陳述。

Compliance inspections and investigations

In 2018/19, the EAA continued to maintain its enforcement effort on places of estate agency business and promotion sites of first-hand residential property developments. During compliance visits, the Enforcement Team regularly reminded frontline practitioners to observe and comply with the requirements of the newly issued practice circulars (Practice Circulars 18-02(CR) & 18-03(CR)) in a bid to raise their professional and ethical standards, while at the same time, to ensure a high level of compliance. We also monitored online and printed advertisements issued by practitioners. Frequent cyber patrols on property online portals and related advertisements enabled us to promptly identify breaches of the regulations and guidelines and take timely enforcement actions. Notwithstanding, the EAA saw a gradual increase in various advertisement-related breaches as well as rising consumer expectations in the matter. The Enforcement Team will continue to take enforcement actions and spare no effort in scrutinising property online platforms and social media to safeguard public interest.

With the public's increasing interest in buying overseas properties, the EAA regularly conducts inspections to see if licensees abide by the practice guidelines on marketing overseas properties. We also proactively visit overseas properties promotional venues to understand the various sales tactics used by the licensed estate agents, and use covert techniques if and when necessary to detect any malpractice such as misrepresentation when promoting these properties.



監管局自2018年3月起根據《2018年打擊洗錢及恐怖分子資金籌集(金融機構)(修訂)條例》被指定為監管機構，按條例規定的法律和監管要求監督地產代理，政府和財務特別行動組期望監管局在履行反洗錢和反恐怖分子資金籌集方面表現出強而有力的監督和監管作用。同時，監管局一直與地產代理業界在實施反洗錢及反恐怖分子資金籌集上緊密合作。年內，行動部巡視了地產代理商舖786次，以了解他們有否遵從反洗錢及反恐怖分子資金籌集的執業通告之規定。另外，監管局亦進行監察和審慎巡查，旨在讓地產代理業界進一步了解洗錢和為恐怖分子籌集資金所帶來的威脅。監管局亦計劃設計一份提供予大型地產代理公司的自我評估表格，有系統地評估其反洗錢及反恐怖分子資金籌集的遵從情況。監管局亦會與業界定期檢討，並抽查地產代理公司分行，以確保大型地產代理公司有效進行自我評估。此外，監管局還將進行詳細問卷調查，以評估地產代理業界洗錢和恐怖分子籌集資金風險的情況，以識別、處理和減輕其洗錢和恐怖分子資金籌集風險。

Having been designated as the regulatory body under the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Ordinance 2018 ("AMLO") for supervising estate agents in compliance with the legal and supervisory requirements as set out in the AMLO since March 2018, the EAA is expected by both the Government and the Financial Action Task Force to demonstrate a robust supervisory and regulatory role in fulfilling the anti-money laundering ("AML") and counter-terrorist financing ("CTF") obligations. As such, the EAA has been working closely with the estate agency trade on the implementation of measures to prevent money laundering and terrorist financing. During the year, the Enforcement Team has conducted 786 inspections on estate agency shops to see if they are complying with the practice circular on AML/CTF requirements. Follow-up off-site monitoring and prudential visits will be conducted to further enhance the estate agency trade's awareness and understanding of the money laundering and terrorist financing threats. In addition, the EAA has plans to design a self-assessment form to provide a systematic approach for the trade's large operators to assess their own AML/CTF compliance. The EAA will conduct regular review sessions with the trade and perform spot checks on their branches to ensure the large operators will effectively conduct their self-assessment. A prudential survey will also be conducted to examine the profile of the trade operators to identify, address and mitigate their money laundering and terrorist financing risks.



因應監管局的邀請，27名地產發展商於2018年7月11日出席由媒體見證的約章簽署儀式。簽署該約章旨在宣揚一手住宅物業銷售應有的良好秩序。透過簽署約章，地產發展商均清楚了解和認同維持一手住宅物業銷售處良好秩序的重要性。他們承諾會竭盡所能為消費者提供一個理想的銷售環境，讓他們作出重要的購買決定。他們亦同意嚴厲譴責及不容許任何地產代理或地產代理公司的員工破壞秩序，或在銷售點或其附近作出不當或涉及暴力的行為。按具體情況，發展商有可能對在銷售活動中涉及違規的地產代理公司及其員工施加罰款。在約章簽署儀式後，再有七家發展商加入簽署約章行列。目前，已有34家發展商簽署了約章。

年內，監管局共進行了3,252次合規巡查，當中1,374次是巡查一手樓盤銷售點，其餘1,878次則是巡查地產代理商舖（包括786次反洗錢／反恐怖分子資金籌集巡查）。期內，局方亦就網上廣告進行了661次抽查，並就網上物業平台進行了364次抽查。

In 2018, in response to the invitation of the EAA, a total of 27 property developers signed a Charter on 11 July and the media were invited to witness the event. The signing of the Charter aims at promoting the good order of the sale of first-hand residential properties. Through the Charter, property developers understand and agree that it is important for them to maintain the good order of first-hand residential property sales offices. They pledge to do their best to provide consumers with an ideal sales environment to make important purchase decisions. They also agree to condemn severely and will not allow any estate agent or staff from estate agency companies to disrupt the order or commit inappropriate or violent acts at the sales office or its ancillary areas. Depending on the circumstances, property developers may fine the estate agency company and its employees who are involved in unruly behavior in any sales activities. After the initial signing of the Charter, seven more property developers also joined in the effort and signed the Charter. Currently, 34 property developers have signed the Charter.

During the year, the EAA conducted a total of 3,252 compliance inspections, of which 1,374 were at first-sale sites and 1,878 (including 786 AML/CTF inspections) at estate agency shops. Some 661 spot checks on online advertisements and 364 on online property portals were also carried out during the period.



發展商代表出席「一手住宅物業銷售約章」公布儀式。

Representatives of developers attended the announcement ceremony for the "Charter on the Sales of First-hand Residential Properties".

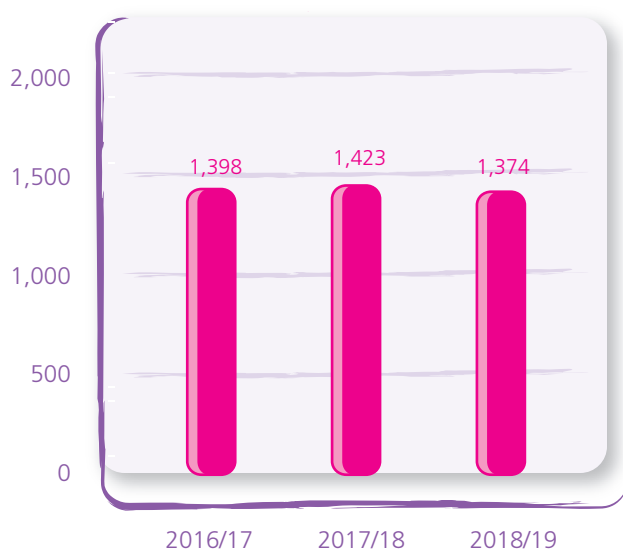


合規巡查

Compliance Inspections

巡查次數

Number of Inspections



● 一手樓盤銷售地點*
First-sale sites*

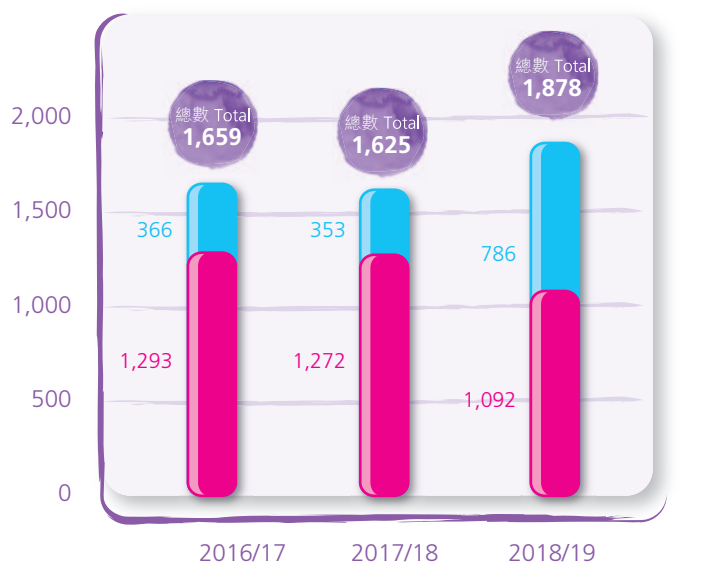
* 包括樓盤所在處、樓盤銷售處及其附近。

* Include development sites, sales offices and vicinity areas.

在進行有關巡查和抽查後，監管局共開立了149宗個案進行調查，當中有14宗在巡查一手樓盤銷售點時發現，71宗在巡查地產代理商舖時發現，38宗則為網上及報章抽查個案，另有26宗個案涉及其他性質。在巡查期間發現涉及違反《地產代理條例》、其附屬法例及執業通告的常見違規事項包括：發出違規廣告、沒有管有物業資料，以及未能妥善填寫訂明表格。

巡查次數

Number of Inspections



● 商舖巡查
No. of routine inspections

● 打擊洗錢／恐怖分子資金籌集巡查
No. of AML/CTF inspections

Subsequent to these inspections and spot checks, 149 enforcement cases were opened, of which 14 cases arose from first-sale inspections, 71 from estate agency shop visits, 38 cases from online and newspaper patrols and 26 cases of a miscellaneous nature. Compliance failures, which constitute violations of the EAO, its subsidiary legislations, and Practice Circulars commonly revealed during the inspection process included issuing non-compliant advertisements, failing to possess property information, and failing to complete prescribed forms properly.



行動部個案 Enforcement Cases

個案數目 Number of Cases	2016/17	2017/18	2018/19
開立的個案 Opened	71	79	149
已完成的個案* Completed*	75	77	120

* 年內完成的個案部分為往年接獲的個案，當中包括表面證據成立並轉予紀律委員會處理的個案，以及由投訴及行動部處理的表面證據不成立的個案。

* Some cases completed in a year were brought forward from previous years. The figures include prima facie cases referred to and dealt with by the Disciplinary Committee and non-prima facie cases disposed of by the Complaints and Enforcement Section.

對涉嫌向監管局作出虛假聲明或提供虛假資料的持牌人／牌照申請人的調查

在申請牌照或續牌時，倘若作出虛假或誤導性的聲明或提供虛假或具誤導性的資料，均屬違法行為。於2018/19年度，監管局調查了53宗涉嫌在申請牌照或續牌時作出虛假聲明或提供虛假資料的個案。年內，監管局向警方提交了39個可疑個案，以進行刑事調查。

Investigations into licensees/licence applicants suspected of making false statements or furnishing false information to the EAA

It is an offence to make a false or misleading statement or furnish false or misleading information when making applications for the grant or renewal of licences. In 2018/19, investigations were conducted into 53 licence applications in which the applicants were suspected of making false statements or furnishing false information in their licence application or licence renewal process. In the year, the EAA referred 39 suspicious cases to the Police for criminal investigations.

個案數目 Number of Cases

個案數目 Number of Cases	2016/17	2017/18	2018/19
開立的個案 Opened	60	64	53
已完成的個案* Completed*	65	37	50

* 年內完成的個案部分為往年接獲的個案。

* Some cases completed in a year were brought forward from previous years.



紀律行動

紀律研訊

倘若監管局行政總裁有理由相信任何持牌人沒有遵守《地產代理條例》及／或其附屬法例；或沒有資格持有或繼續持有牌照；或沒有遵守附加於其牌照上的任何指明的條件，行政總裁可向紀律委員會提出呈述，以決定是否就有關個案進行研訊。

紀律委員會是一個根據《地產代理條例》成立的常設委員會，負責接受、考慮及查究投訴以及行政總裁所呈述的個案。倘若紀律委員會在紀律研訊後認為有關的投訴或呈述成立，可行使紀律制裁權力，當中包括訓誡或譴責有關持牌人，將條件附加於其牌照上或更改附加於其牌照上的條件，暫時吊銷或撤銷其牌照，判處罰款以及作出支付費用的命令。

在2018/19年度，紀律委員會共判決了184宗個案，其中177宗（即佔96.2%）的指稱成立。結果共有180名持牌人被紀律處分，其中124名為個人持牌人¹，56名為公司持牌人。

Disciplinary Actions

Inquiry hearings

If the Chief Executive Officer ("CEO") of the EAA has reasons to believe that a licensee has failed to comply with the EAO and/or its subsidiary legislation; or is not eligible to hold or continue to hold a licence; or has failed to comply with a specified condition attached to his licence, the CEO shall make a submission to the Disciplinary Committee for consideration if an inquiry hearing should be conducted.

The Disciplinary Committee, a standing committee established under the EAO, receives, considers and conducts inquiries into complaints and submissions by the CEO. If the Disciplinary Committee, after conducting an inquiry hearing, is satisfied that the complaint or submission is well-founded, it may exercise disciplinary powers including admonishing or reprimanding the licensee concerned, attaching/varying specified conditions attached to his licence, suspending/revoking his licence, imposing a fine and making a costs order.

In 2018/19, the Disciplinary Committee adjudicated 184 cases, of which 177 were substantiated (i.e. 96.2%). As a result, a total of 180 licensees were disciplined, among whom 124 were individual licensees¹ and 56 company licensees.



模擬紀律研訊圖片。
A staged inquiry hearing.

¹ 包括地產代理公司的獨資經營者／合夥人。

¹ Including sole-proprietors and partners of estate agency firms.



同期，紀律委員會暫時吊銷了24個牌照，吊銷期由七天至14個星期不等。被處分的持牌人涉及作出違反專業操守的行為，例如作出誤導性陳述、未有保障和促進客戶的利益，以及在履行職務時沒有盡量小心和盡一切應盡的努力。

共有129名持牌人被罰款，金額由500元至300,000元不等。

公布研訊的裁決理由

為提高透明度，監管局自2017年2月起在其網站上公布紀律委員會所進行的研訊的裁決理由。

公布裁決理由不僅讓地產代理業界及公眾進一步了解監管局的紀律裁決，還讓持牌人對如何遵守《地產代理條例》及／或其附屬法例有更深入的理解，以避免日後出現類似的違規行為。此外，通過公布監管局採取的規管行動及其背後的原因，亦有助維持公眾對監管局擔任規管角色的信心。

During the same period, 24 licences were suspended for periods ranging from seven days to 14 weeks. Licensees disciplined were found to have been engaged in unprofessional conduct such as making misrepresentations, failing to protect and promote the interests of their clients, or failing to exercise due care and due diligence in fulfilling their duties.

A total of 129 licensees were fined, with the fines ranging from \$500 to \$300,000.

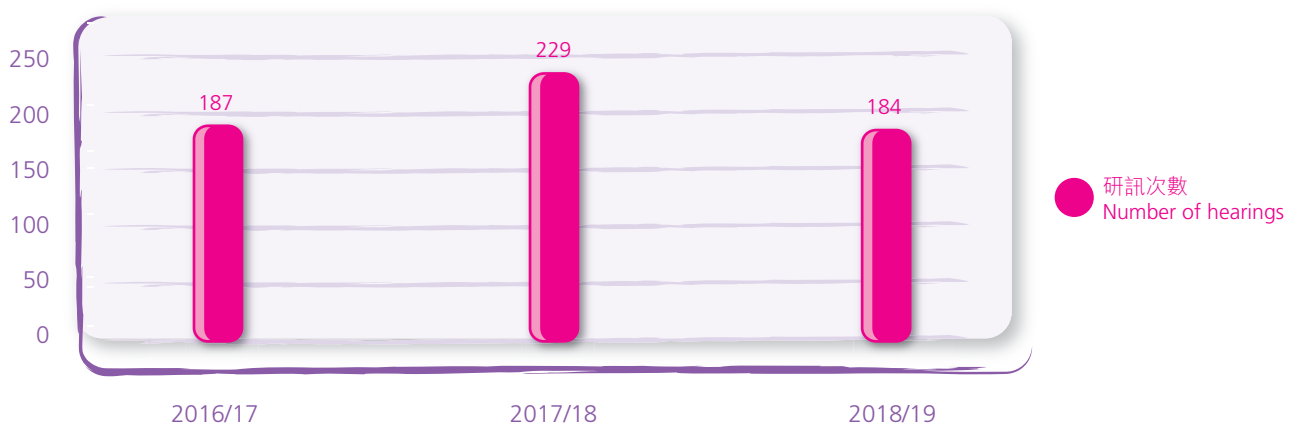
Publication of reasons for the decisions of inquiry hearings

For achieving greater transparency, the EAA has since February 2017 published on its website the reasons for the decisions of the inquiry hearings conducted by the Disciplinary Committee.

The publication of the reasons for the decisions enables the estate agency trade and the public to have a better understanding of the EAA's disciplinary decisions. It also gives licensees an opportunity to learn about how to comply with the EAO and/or its subsidiary legislation so that similar non-compliances could be avoided in the future. Moreover, by demonstrating what regulatory action is being or has been taken and the reasons behind, public confidence in the regulatory role of the EAA can also be maintained.

已舉行並下達裁決的紀律研訊次數

Number of Inquiry Hearings with Decision Handled Down





2018/19 年度常見違規事項 * Common Types of Non-compliance in 2018/19*	指稱宗數 Number of Allegations
1. 在廣告提供物業的樓面面積時未有遵守監管局所發出的指引 Failure to comply with the guidelines issued by the EAA when providing the floor area of the property concerned in the advertisement	26
2. 發出虛假或誤導性廣告；向報章提供包含虛假或具誤導性資料的新聞稿；未獲賣方事先書面同意而發出廣告；發出違反賣方指示的廣告 Issuing a false or misleading advertisement; providing to a newspaper a press statement which included false or misleading information; advertising without vendor's prior written consent; advertising in contravention of vendor's instruction	22
3. 在行人道上放置宣傳物件；在行人道圍欄上掛上或導致掛上橫幅；在未取得所需允許的情況下於公共場所貼上廣告標語 Placing or causing to be placed advertising materials on the pedestrian sidewalk; putting up or causing to be put up a banner on the pedestrian fence; affixing an advertising placard in a public place without the requisite permission	19
4. 在推銷一手樓盤時，未有佩戴地產代理證及／或職員證 Failure to wear Estate Agent card and/or staff card when promoting the sale of first-hand properties	17
5. 未有履行向客戶作出的現金回贈承諾及／或以書面形式列明有關承諾 Failure to give and/or set out in writing the cash rebate as promised to clients	17
6. 持牌人未有於銷售香港境外的未建成物業所擬備或派發的廣告中清楚說明執業通告（編號17-03）第14(a)、(b)及(c)段所指明的資料；在推廣香港境外的未建成物業時，未有就廣告所載資料的準確性及完整性，取得賣方的明確書面批署 Failure to state clearly the information as specified in paragraphs (14)(a), (b) & (c) of Practice Circular No. 17-03 (CR) in the advertisement prepared or distributed by the licensee for the sale of an uncompleted property situated outside Hong Kong (UPOH); failure to obtain the vendor's express endorsement in writing of the accuracy and completeness of the information contained in the advertisement to promote the UPOH	17
7. 未有按照訂明表格的指示填寫該表格，或未有將已填妥的訂明表格交予有關人士，或訂明表格未有附上該表格內所指明或訂明的文件；未有在地產代理協議中訂明有效期條款 Failure to complete a prescribed form in accordance with the directions specified in the form or supply a completed prescribed form to a person or attach to a prescribed form such documents as directed or specified in the form; failure to stipulate the term of validity period in the estate agency agreement	15
8. 向客戶提供錯誤的物業或交易資料；未有查核提供予客戶的物業或交易資料的準確性 Providing wrong property or transaction information to clients; failure to verify the accuracy of property or transaction information provided to clients	13
9. 未有進行土地查冊；未有向買方／租客提供土地查冊結果／解釋查冊結果的內容 Failure to conduct a land search; failure to supply the land search result/explain its contents to the purchaser/tenant	13



2018/19 年度常見違規事項 * Common Types of Non-compliance in 2018/19*	指稱宗數 Number of Allegations
<p>10. 未有在安排租賃前核實業主的身分；未有確保代表簽署臨時買賣協議／租約／臨時租約／地產代理協議的人士已獲賣方／出租方或買方／租客正式授權；在安排分租戶簽訂分租租賃協議之前，未有核實原租約中是否就分租有任何限制</p> <p>Failure to ascertain the ownership of the property before arranging it for rent; failure to ensure that the signatory was duly authorised by the vendor/lessor or purchaser/tenant to sign the provisional agreement for sale and purchase/tenancy agreement/provisional tenancy agreement/estate agency agreement; failure to ascertain whether there was any restriction on sub-letting in the head lease before arranging for the sub-tenant to sign the sub-tenancy agreement</p>	12

* 部分紀律研訊個案或涉及超過一項違規事宜。

* There could be more than one type of non-compliances in some inquiry hearing cases.

向持牌人或前持牌人採取的行動 * Actions Taken Against Licensees or Former Licensees*	2016/17	2017/18	2018/19
有關的持牌人或前持牌人人數 Number of licensees or former licensees involved	324	359	180
行動性質 ¹ Type of actions ¹			
訓誡／譴責 Admonishment/reprimand	192	233	183
罰款 Fine	132	168	129
在牌照上附加條件 ² Attachment of conditions to licence ²	177	170	138
暫時吊銷牌照 Suspension of licence	25	31	24
撤銷牌照 Revocation of licence	29 ^Δ	30 ^Δ	34

* 以上行動是根據《地產代理條例》的權力而作出的判決。當中有部份可能不屬於紀律性質。部份是往年展開調查的個案。

¹ 在部分個案中，會對同一持牌人或前持牌人採取超過一項行動。

² 部分條件於批出牌照時附加，其餘則隨後附加。

^Δ 這些撤銷牌照的個案均由牌照委員會裁定，理由是持牌人不再符合相關的發牌條件。

* These actions were taken pursuant to powers under the EAO. Some actions may be disciplinary in nature and others not. Some cases were carried over from previous years.

¹ In some cases more than one action was imposed on the same licensee or former licensee.

² Some conditions were attached upon the granting of licences and others attached thereafter.

^Δ These cases were decided by the Licensing Committee on the ground that the licensees concerned no longer met the relevant licensing requirements.