

積極參與執法
Proactive in
Law Enforcement







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

執行條例及監管局發出的執業通告

《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》)已於2018年3月1日生效。在《打擊洗錢條例》的規管下，針對反洗錢及反恐怖分子資金籌集而進行的法定客戶盡職審查及備存記錄的要求，由適用於金融機構擴展至包括地產代理在內的指定非金融行業。與此同時，監管局被指定為相關規管機構，負責監察及監督地產代理遵守反洗錢／反恐怖分子資金籌集的規定。

有見及此，監管局早前向地產代理業界發出執業通告，列出有關反洗錢／反恐怖分子資金籌集方面的指引。為了提高業界意識，並促進從業員落實執行有關各項法定責任及監管局發出的指引，繼發出執業通告後，局方在2018/19年度實施了一系列的推廣措施，包括在其網站設置了「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相關資訊；向所有地產代理商舖分發教育套材，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規定的重要性；製作電子單張，以協助持牌人向其客戶解釋他們的法定責任；以及舉辦多個持續專業進修計劃活動，讓持牌人認識相關法例及規管的要求。

監管局作為在《打擊洗錢條例》下指定的監管機構，負責監督地產代理遵守反洗錢／反恐怖分子資金籌集的規定。局方同時透過實地商舖巡查及非實地監察，增加了檢查的頻率及監察的強度，以評估業界是否符合反洗錢／反恐怖分子資金籌集的要求。

執法和教育措施

繼監管局於2018/19年度實施推廣措施及監督工作後，局方於2019/20年度就地產代理經營者在機構層面上因洗錢和恐怖分子資金籌集所帶來的威脅及漏洞進行了深入研究，並更新了其對個別地

Combatting Money Laundering and Terrorist Financing Risks in Property Transactions

Implementation of the Ordinance and EAA's practice circular

On 1 March 2018, the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Ordinance 2018 ("AMLO") took effect. Under the AMLO, the statutory customer due diligence and record keeping requirements in relation to anti-money laundering ("AML") and counter-terrorist financing ("CTF") have been extended from financial institutions to cover also estate agents together with some other designated non-financial businesses and professions. At the same time, the EAA has been designated as the relevant authority for monitoring and supervising estate agents' AML/CTF compliance.

As such, the EAA issued a practice circular earlier which sets out AML/CTF guidelines for the estate agency sector. To raise the trade's awareness and facilitate practitioners' compliance with their statutory obligations and the EAA's guidelines, subsequent to the issuance of the practice circular, the EAA implemented a number of outreaching initiatives in 2018/19, namely development of an AML Corner in its website for licensees' easy access to AML/CTF related information; distribution of an educational kit to all estate agency shops to assist licensees in highlighting to their clients the importance of AML/CTF compliance; production of an e-leaflet which helped licensees explain to their clients their statutory obligations; and conducting numerous CPD activities to equip licensees with necessary knowledge of the relevant legal and regulatory requirements.

Having been designated as the regulatory body under the AMLO for supervising estate agents' AML/CTF compliance, the EAA at the same time increased the frequency and intensity of inspections, in the forms of both on-site shop visits and off-site monitoring, to assess the trade's compliance with the AML/CTF requirements.

Enforcement and educational measures

Further to its AML/CTF outreaching and supervision efforts in 2018/19, the EAA conducted an intensive study in 2019/20 on the estate agency operators' threats and vulnerability to money laundering and terrorist financing risks at institutional level. Through this study, the EAA updated its risk profiling

產代理經營者的風險剖析及分類方法。就上述研究所得，監管局也優化了其就反洗錢／反恐怖分子資金籌集的執法策略，以加強其以風險為本的監督方法；讓其更有效地監督及監察地產代理有否正確遵從反洗錢／反恐怖分子資金籌集的規定。

除了以風險為本執法及監督業界有否遵從反洗錢／反恐怖分子資金籌集的規定外，局方一直繼續其教育及推廣工作以加強業界對反洗錢／反恐怖分子資金籌集規定的熟悉程度。監管局亦推出新的持續專業進修計劃活動，以加深持牌人就特定範疇的認識，包括分辨實益擁有權及法定擁有權、遵從有關備存記錄的法定規定的正確方法，以及明白本地及外地政治人物所涉及的較高風險。此外，監管局還於《專業天地》季刊中開設新的章節，為持牌人提供額外渠道以使知悉有關反洗錢／反恐怖分子資金籌集的最新資訊。

繼財務特別行動組織相互評估後的持續工作

在2018年，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」)。監管局和業界對此次相互評估積極作出準備，並對香港在相關法規及規管制度上被評為整體合規有效感到欣喜。

繼相互評估後，監管局將焦點放在改善其以風險為本的執法及監督策略，以及進一步向持牌人推廣反洗錢／反恐怖分子資金籌集的措施。

監管局已投入額外人手及資源，並加強其以風險為本監督業界對反洗錢／反恐怖分子資金籌集措施的遵守成效。地產代理經營者需就其反洗錢／反恐怖分子資金籌集的狀況定期向監管局作出匯報，以便局方持續監察；監管局巡查的頻率和監管力度會視乎地產代理經營者所面對的威脅及漏洞而定。局方將加強政策和措施的力度，以減低被評估為承受較高洗錢和恐怖分子融資風險的地產代理公司之風險。

and classification of individual estate agency operators. Based on the findings derived from the study, the EAA also refined its AML/CTF enforcement strategies to reinforce its risk-based supervision approach which would be deployed in a more effective way to supervise and monitor the estate agents' proper compliance with the AML/CTF requirements.

Alongside with its risk-based enforcement and supervision on the trade's AML/CTF compliance, the EAA has been continuing its educational and outreaching efforts to enhance the trade's familiarity with the relevant AML/CTF requirements. New Continuing Professional Development ("CPD") activities were developed and delivered to deepen licensees' understanding of some key areas, such as the differentiation between beneficial ownership and legal ownership, the proper ways to comply with the statutory requirements of record-keeping and the higher risks involved in relation to domestic and foreign Politically Exposed Persons. In addition, a new chapter was created in *Horizons*, the EAA's quarterly magazine, to provide extra-means for licensees to keep abreast of the latest issues in relation to the AML/CTF.

Continuous efforts following the Mutual Evaluation with FATF

In 2018, representatives of the Financial Action Task Force ("FATF"), an inter-governmental body that sets international standards on combating money laundering and terrorist financing, conducted a review (known as the Mutual Evaluation) on the effectiveness of Hong Kong's AML/CTF measures. Both the EAA and the trade had made extra efforts to prepare for the Mutual Evaluation and it was encouraging that Hong Kong's AML/CTF regime was assessed to be compliant and effective overall.

Subsequent to the Mutual Evaluation, the EAA has placed its emphasis on improving its risk-based enforcement and supervision strategies as well as further expanding the AML/CTF outreach amongst the licensees.

The EAA has dedicated additional manpower and resources to strengthen its risk-based supervision on AML/CTF compliance. Operators would be asked to submit regular AML/CTF status updates for the EAA's continuous monitoring. The intensity of supervision and frequency of inspections by the EAA would be based on the level of threats and vulnerability of the estate agency operators. More stringent policies and measures will be adopted to mitigate the money laundering and terrorist financing risks of those estate agencies which are assessed to be exposed to a higher level of such risks.



積極參與執法

Proactive in Law Enforcement

為了擴大對持牌人的反洗錢／反恐怖分子資金籌集的推廣工作範圍，局方正在籌備相關新舉措，以表揚持牌人為促進反洗錢／反恐怖分子資金籌集方面之貢獻。新舉措將會加強局方與地產代理公司的合作，並認可其於促進反洗錢／反恐怖分子資金籌集方面的貢獻。我們的最終目標是為地產代理業界營造及維持良好的營商環境，積極打擊洗錢及恐怖分子資金籌集。

不論對監管局或業界來說，打擊洗錢及恐怖分子資金籌集都是一項持之以恆的任務。局方將不遺餘力地提升持牌人認識及遵守反洗錢及反恐怖分子資金籌集規定。

操守與守則

《地產代理條例》及其執業通告

根據《地產代理條例》成立的監管局，獲賦予的權力包括規管與管制地產代理及營業員的執業，及採取其認為適當或需要的行動，以促使地產代理及營業員行事持正及稱職，或維持或提高他們的地位。從事地產代理工作之地產代理及營業員必須遵從所有《地產代理條例》及其附屬法例、由監管局發出的《操守守則》及執業通告內的所有適用指引。

規例簡介

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，使持牌人能夠遵從他們在法律下的職責。

由於現有執業通告所載列的指引足以應對於2019/20年度出現之執業問題，局方在年內沒有編制及發出新執業通告。

發出致持牌人函件

為提醒持牌人在從事地產代理工作時需遵守相關法律及規例，以及提醒他們留意與其執業相關的最新政府公布的措施及／或文件，監管局在年內向持牌人共發出了五封函件。

With a view to expanding the AML/CTF outreach amongst the licensees, the EAA is planning on new initiatives to recognise the licensees' contributions to promote AML/CTF. New initiatives to deepen the collaboration with and to recognise the contributions of estate agency firms to promote AML/CTF would be derived. The ultimate goal is to build and maintain a culture and business environment among the estate agency trade to proactively combat money laundering and terrorist financing.

As AML/CTF is a continuing mission that both the EAA and the trade have to fulfil, the EAA will spare no effort to ensure licensees' understanding of and compliance with the AML/CTF requirements.

Ethics and Regulations

The EAO and practice circulars

The EAA established under the Estate Agents Ordinance ("EAO") is tasked to, inter alia, regulate and control the practice of estate agents and salespersons and to take such actions as the EAA considers appropriate or necessary to promote integrity and competence amongst, or maintain or enhance the status of, estate agents and salespersons. Estate agents and salespersons must observe and comply with all the relevant provisions in the EAO and its subsidiary legislation, the *Code of Ethics* and all the applicable guidelines set out in the practice circulars issued by the EAA when they carry out estate agency work.

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.

As the guidelines set out in existing practice circulars were sufficient to cover issues that arose in 2019/2020, no new practice circular was developed and issued by the EAA during the year.

Issuance of letters to licensees

With a view to reminding licensees on the requirements of the relevant laws and regulations when carrying out estate agency work and to draw their attention to the updates on certain Government measures and/or documentation which may be relevant to their practices, the EAA issued five letters to licensees during the year.

鑑於持牌人推廣發展商以招標形式銷售一手住宅物業的事宜備受關注，監管局已向持牌人發出一封函件，提醒他們不論發展商以何種方式銷售其物業，他們均必須嚴格遵守《地產代理條例》、監管局發出的《操守守則》，以及在執業通告內的所有適用指引及《一手住宅物業銷售條例》。

為回應香港按揭證券有限公司按揭保險計劃之修訂，以及於居屋第二市場計劃和「住宅發售計劃」第二市場下各文件之修訂，監管局已發出函件提醒持牌人應及時掌握最新的要求，避免向準買家提供不準確或具誤導性的資料。

此外，監管局亦向持牌人(特別是參與銷售境外物業的人士或公司)發出一封函件，提醒他們需留意來港參與境外物業銷售活動的非香港永久性居民的逗留條件。

監管局將會繼續在有需要時透過執業通告及致持牌人函件，為業界提供指引，以及在需要時提高業界對當前有關地產代理執業問題的關注。

投訴與巡查

處理投訴與查詢

監管局於2019/20年度共接獲268宗投訴，較2018/19年度的291宗減少了8%。268宗的投訴指稱主要涉及不妥善處理臨時買賣合約(或臨時租約)、發出違規廣告，以及提供不準確或具誤導性的物業資料。當中，有關一手住宅物業銷售的投訴由2018/19年度的49宗增加至本年度的55宗，指稱主要涉及未有履行回贈承諾、發出違規廣告，以及提供具誤導性的按揭資訊。

In light of the concerns with regard to licensees promoting the sale of first-hand residential units offered by developers to be sold by way of tender, the EAA issued a letter to licensees to remind them to strictly comply with the EAO, the *Code of Ethics* and all applicable guidelines issued by the EAA and abide by the Residential Properties (First-hand Sales) Ordinance at all times regardless of the method of sales adopted by developers for selling their properties.

In response to the amendments to the Mortgage Insurance Programme of the Hong Kong Mortgage Corporation Insurance Limited and the revisions of documentation under the Home Ownership Scheme Secondary Market Scheme and the Flat-for-Sale Secondary Market Scheme, the EAA issued letters to remind licensees to keep abreast of the latest requirements and not to provide any inaccurate or misleading information to prospective purchasers.

In addition, the EAA issued a letter to licensees, in particular those who were involved in the sale of non-local properties, to draw their attention to the conditions of stay of non-Hong Kong permanent residents who come to Hong Kong and participate in the sales activities of non-local properties.

The EAA will continue to issue practice circulars and letters to licensees to provide the trade with guidelines and raise its awareness of current issues with respect to estate agency practice as and when necessary.

Complaints and Inspections

Complaints and enquiries handling

In 2019/20, the EAA received 268 complaints, a decrease of 8% from 291 complaints in 2018/19. Key allegations of the 268 complaints included mishandling the provisional agreement for sale and purchase (or the provisional tenancy agreement), issuing non-compliant advertisements and providing inaccurate or misleading property information. Among the 268 complaints, the complaints concerning the sale of first-hand residential properties had increased from 49 cases in 2018/19 to 55 cases in 2019/20 with key allegations of failing to honour rebate promises, issuing non-compliant advertisements and provision of misleading mortgage information.



積極參與執法

Proactive in Law Enforcement

在2018年最後一個季度發布的有關物業廣告的執業通告(編號18-02(CR))，引起公眾及地產代理業界對物業廣告的注意，導致針對違規廣告的投訴增加。其中違反該執業通告的指引，即沒有在廣告中述明編配給廣告上的物業的編號和廣告發出或更新的日期為最常見的投訴指稱。隨着網上廣告越見流行，60%與廣告相關的投訴皆涉及網上廣告，因此局方在今年已加強網上巡查以監察網上廣告。

The issue of Practice Circular 18-02 (CR) on property advertisements in the last quarter of 2018 had alerted the public and also the estate agency trade's attention to property advertisements, leading to an increase in complaints about non-compliant advertisements. Non-compliance with the guidelines set out in that Circular, namely failing to state in advertisements the property numbers assigned to the properties advertised and the dates on which the advertisements are issued or updated, is the most common allegation. As online advertisements have now become more popular, 60% of the advertisement complaints related to online advertisements. Cyber patrols were stepped up in the year to monitor online advertisements.

除了處理投訴，監管局亦於2019/20年度處理了5,573宗有關地產代理執業手法的查詢，並就1,434宗查詢採取相關的跟進行動。

In addition to complaints, the EAA also received 5,573 enquiries on estate agency practices in 2019/20, and in response to those enquiries, the EAA took follow-up actions on 1,434 enquiries.



監管局於2019/20年度共接獲268宗投訴，較2018/19年度的291宗減少了8%。
In 2019/20, the EAA received 268 complaints, a decrease of 8% from 291 complaints in 2018/19.

投訴個案

Complaint Cases

個案數目 Number of Cases	2017/18	2018/19	2019/20
開立的個案 Opened	425	291	268
已完成的個案 * Completed*	440	333	264

* 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，以及由投訴部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 Sections.

已完成的個案結果 * Results of Cases Completed*	2017/18	2018/19	2019/20
指稱成立 [△] Substantiated [△]	131	106	75
指稱不成立 Unsubstantiated	187	146	123
資料不足 Insufficient information to pursue	33	22	17
其他 [#] Others [#]	89	59	49
總數 Total	440	333	264

* 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，以及由投訴部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 Sections.

△ 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.

巡查及調查

2019/20年度，監管局一如以往於地產代理業務地點及一手住宅樓盤銷售地點進行巡查工作。自2018年最後一個季度，監管局就有關物業廣告及一手住宅樓盤銷售地點的秩序發出執業通告(編號18-02(CR)及18-03(CR))後，局方加強相關指引的執法行動，以監察業界的合規情況。在巡查地產代理商舖及一手住宅樓盤銷售地點期間，除了就物業廣告及銷售秩序進行巡查外，監管局亦同時提醒持牌人需要遵從以上兩份新執業通告的指引。有鑑於網上廣告越見流行，監管局亦加強監察網上物業廣告平台，並繼續把監察網上廣告納入其執法職務的重點當中。

在社會運動及2019冠狀病毒病疫情影響下，發展商推出的一手住宅物業發展項目有所減少。儘管如此，監管局仍繼續不遺餘力地確保持牌人的銷售活動有良好的秩序。自監管局於2018年7月推動地產發展商訂立一手住宅物業銷售約章後，現時已有35間地產發展商簽訂該約章，以改善地產代理於一手住宅物業銷售地點、示範單位，以及其附近地方的銷售秩序。參與的發展商承諾將為消費者提供理想的銷售環境，並會向任何涉及不守規矩、無禮、滋擾、不當或暴力行為的地產代理公司及相關員工採取嚴懲措施。局方歡迎尚未簽署約章的發展商隨時加入。

Compliance inspections and investigations

In 2019/2020, the EAA continued to maintain its enforcement effort on places of estate agency business and promotion sites of first-hand residential property developments. Since the issue of Practice Circular 18-02 (CR) on property advertisements and Practice Circular 18-03 (CR) on the order at first-sale sites of residential properties in the last quarter of 2018, actions have been stepped up to monitor the compliance with the new guidelines. During our visits to the agency shops and the first-sale sites, other than conducting compliance inspections on the property advertisements and the sales order, we also take those opportunities to remind the licensees to observe and comply with the guidelines of the two newly issued circulars. As online advertisements had become more popular, more efforts had been put on cyber patrols to the online portals. Monitoring online advertisements will continue to be one of the main foci of our enforcement duties.

Fewer first-hand residential development projects were launched into the market amid the social movements and the COVID-19 pandemic in the year. Notwithstanding, the EAA continued to spare no effort to ensure that the licensees' sales activities at first-sale sites were in good order. Since the Charter on the Sales of First-hand Residential Properties of Property Developers was launched in July 2018, 35 property developers have signed the Charter with a view to improving the sales order of estate agents at the sale-sites and show flats of first-hand residential properties and their nearby vicinity. Participating developers pledge to provide consumers with a desirable sales environment and will take strong punitive actions against the estate agency companies and their employees involved in any unruly, impolite, harassing, improper or violent behaviours. The EAA welcomes other developers which have not yet signed the Charter to join us at any time.



積極參與執法

Proactive in Law Enforcement

在不斷轉變的營商環境下，監管局將繼續檢討和優化執法策略，以提高其規管成效以保障公眾利益。

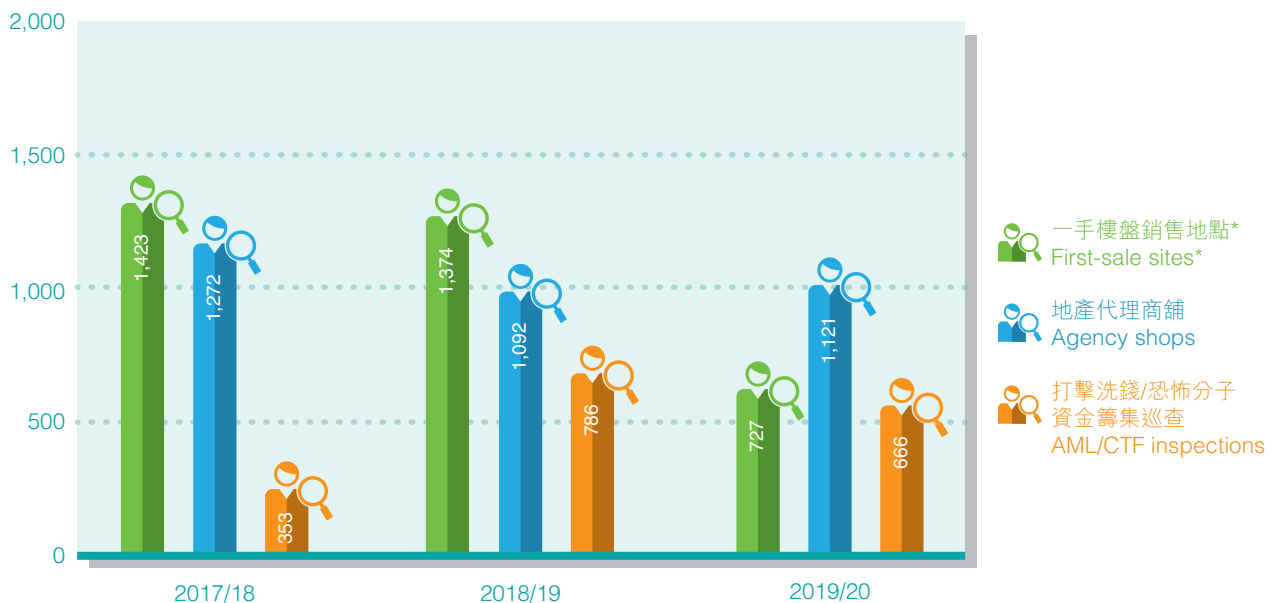
In an ever-changing environment, the EAA will continue to review and refine its enforcement strategies to enhance the effectiveness of its regulatory functions to safeguard public interest.

年內，監管局在一手樓盤銷售地點共進行727次巡查，在地產代理商舖進行了1,121次巡查，及針對反洗錢和反恐怖分子資金籌集的要求，進行了666次合規檢查。期內，局方亦就網上廣告進行了689次抽查，並就網上物業平台進行了412次抽查。

During the year, the EAA conducted 727 compliance inspections at first-sale sites, 1,121 compliance inspections at agency shops and 666 compliance inspections for anti-money laundering and counter-terrorist financing requirements. Some 689 spot checks on online advertisements and 412 on online property portals were also carried out during the period.

合規巡查 Compliance Inspections

巡查次數 Number of Inspections



* 包括樓盤所在處、樓盤銷售處及其附近。

* Includes development sites, sales offices and vicinity areas.

就相關的巡查和抽查，監管局共開立了154宗個案進行跟進調查，當中有17宗是源自涉及一手樓盤的巡查，56宗是源自巡查地產代理商舖，36宗則為網上及報章抽查個案，其餘個案涉及其他性質。

Subsequent to inspections and spot checks, 154 enforcement cases were opened, including 17 cases arising from first-sale inspections, 56 from estate agency shop visits, 36 cases from online and newspaper patrols, and the rest are of a miscellaneous nature.

執行個案**Enforcement Cases**

個案數目 Number of Cases	2017/18	2018/19	2019/20
開立的個案 Opened	79	149	154
已完成的個案 * Completed*	77	120	115

* 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，以及由投訴部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 Sections.

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誤導性的資料，均屬違法。在2019/20年度，監管局調查了106宗涉嫌在申請牌照或續牌時作出虛假聲明或提供虛假文件的個案。年內，監管局向警方轉介了54宗可疑個案，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 2019/20, investigations were conducted into 106 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 54 suspicious cases to the Police for criminal investigations.

個案數目 Number of Cases	2017/18	2018/19	2019/20
開立的個案 Opened	64	53	106
已完成的個案 * Completed*	37	50	63

* 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。

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.



積極參與執法

Proactive in Law Enforcement

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，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2019/20年度，紀律委員會共判決了129宗個案，其中119宗(即佔92.2%)的指稱成立。結果，共有123名持牌人被紀律處分，其中80名為個人持牌人¹，43名為公司持牌人。

同期，紀律委員會暫時吊銷了14個牌照，吊銷期由14日至六個星期不等。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98名持牌人被罰款，金額由1,000元至150,000元不等。

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 2019/20, the Disciplinary Committee adjudicated 129 cases, of which 119 were substantiated (i.e. 92.2%). As a result, a total of 123 licensees were disciplined, among whom 80 were individual licensees¹ and 43 company licensees.

During the same period, 14 licences were suspended for periods ranging from 14 days to six 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 98 licensees were fined, with the fines ranging from \$1,000 to \$150,000.



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.

公布研訊的裁決理由

監管局在2020年1月1日前於其網站內公布過往兩年的紀律研訊的裁決結果。自2020年1月開始，所有於2020年1月1日或其後所裁決的紀律研訊結果，均可於三年內在「近期的紀律研訊結果」網頁中供搜尋。

除了紀律研訊結果外，監管局亦會於其網站內公布研訊裁決的理由，有關公布不但能提高監管局工作的透明度，亦能讓地產代理業界進一步了解監管局的紀律裁決，為他們就如何遵守《地產代理條例》提供寶貴的學習材料，以減低日後出現類似違規行為的風險。長遠來說，這項措施將有效地提高業界的專業水平。

另一方面，公布研訊裁決的理由能讓公眾明白監管局的紀律決定，從而令他們在獲取持牌人的服務時能作出明智的選擇。

自2020年1月開始，監管局加設標題為「過往的紀律研訊案件的裁決理由」的新網頁。該網頁載有從標題為「近期的紀律研訊結果」的網頁內所有被移除的在面晤研訊時裁定成立的案件及其裁決理由，為期五年。

Publication of reasons for the decisions of inquiry hearings

Prior to 1 January 2020, the EAA published inquiry hearing results of the last two years on its website. With effect from January 2020, the inquiry hearing results adjudicated on or after 1 January 2020 would be provided for search on the EAA's webpage titled "Recent Inquiry Hearing Results" for three years.

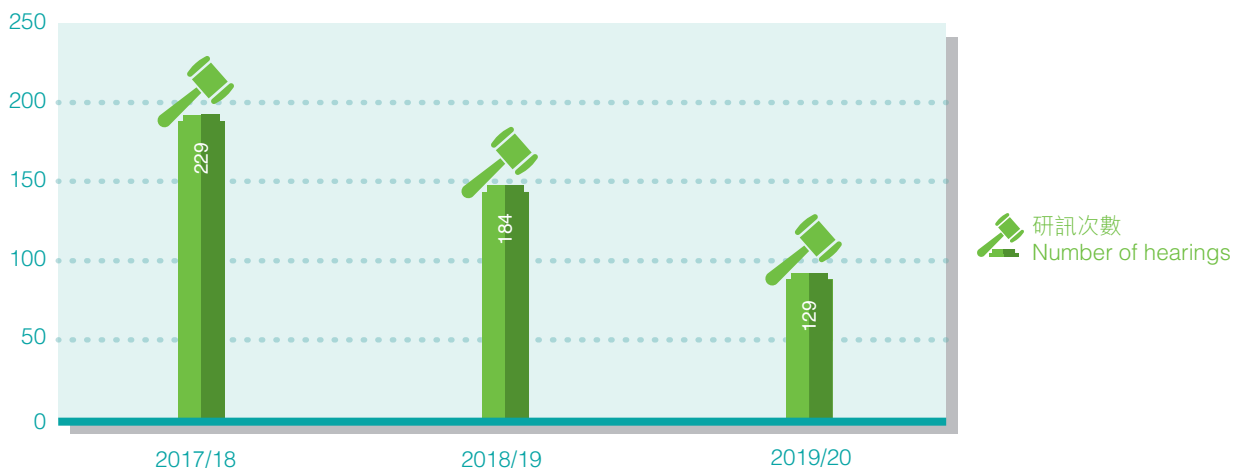
As well as inquiry hearing results, the EAA also publishes the reasons for disciplinary decisions on its website. Not only does such publication enhance the transparency of the EAA's work but also enables the estate agency trade to have a better understanding of the EAA's disciplinary decisions, as well as equips the estate agency trade with valuable learning on how to comply with the EAO and reduces the risks of similar non-compliances in future. In the long run, it will make a substantial contribution to improving the professional standard of the trade.

On the other hand, publication of the reasons for disciplinary decisions provides a way for the public to understand the EAA's disciplinary decisions, and enables them to make informed choices when engaging the services of licensees.

From January 2020, a new webpage titled "Reasons for Decisions of Past Inquiry Hearing Cases" has been added which contains all the substantiated full inquiry hearing cases and their reasons for decisions for a period of five years after they had been removed from publication on the webpage titled "Recent Inquiry Hearing Results".

已舉行並作出裁決的紀律研訊次數

Number of Inquiry Hearings with Decision Handed Down





積極參與執法

Proactive in Law Enforcement

2019/20 年度常見違規事項 * Common Types of Non-compliance in 2019/20*	指稱宗數 Number of Allegations
1. 沒有在物業的廣告內清楚及可閱地述明該物業編號及／或有關廣告發出或更新的日期 Failure to state clearly and legibly in a property advertisement the property number and/or the date on which it was issued or updated	20
2. 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；未能向客戶提供物業或交易資料 Providing wrong property or transaction information to clients; failure to verify the accuracy of property or transaction information provided to clients; failure to supply property or transaction information to clients	18
3. 發出虛假或誤導性廣告；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; advertising without vendor's prior written consent; advertising in contravention of vendor's instruction	17
4. 於公共場所張貼廣告海報；在公共場所造成阻礙（在行人道上放置桌椅及太陽傘） Affixing a poster in public area; obstruction of public place by placing tables, chairs and sun shades on the pedestrian sidewalk	15
5. 提供／提出提供貸款予一手樓盤的準買家 Offering/making a loan to a prospective purchaser of a first-hand property	12
6. 沒有核實在租賃協議（「租約」）／臨時租約下的業主的身分及／或在安排租客簽訂租約／臨時租約之前未有核實業主是否有權將物業出租予該租客；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有關的訂約方的正式授權 Failure to ascertain the identity of the landlord under a tenancy agreement ("TA")/provisional tenancy agreement ("PTA") and/or whether the said landlord had the right to lease the property to the tenant before arranging for the tenant to enter into the TA/PTA; failure to ensure that the signatory was duly authorised by the party concerned to sign the provisional agreement for sale and purchase/TA/PTA/estate agency agreement	12
7. 安排客戶在有漏空部分條款的臨時買賣協議／臨時租約上簽署 Arranging for client(s) to sign a provisional agreement for sale and purchase/PTA with certain terms of the agreement left blank	12
8. 未有設立妥善的程序或制度以對員工／下屬施加有效的管控措施，從而避免他們： <ul style="list-style-type: none"> - 提供／提出提供貸款予一手樓盤的準買家 - 在推銷一手樓盤時沒有佩戴地產代理證及／或職員證 - 以持牌人的個人名義而非地產代理公司的名義發出有關一手住宅樓盤的廣告 - 在參與舊樓收購活動時違反監管局所發出的有關指引 - 在未經得到有關物業的指定受託人同意／授權下刊登物業拍賣的廣告及／或張貼相關告示 Failure to exercise effective control on employee(s)/subordinate(s) by establishing proper procedures or systems to avoid them from: <ul style="list-style-type: none"> - offering or making loan to prospective purchasers of first-hand properties - failing to wear Estate Agent card and/or staff card when promoting the sale of first-hand properties - issuing advertisements concerning first-hand residential properties in the licensee's own capacity instead of in the capacity of an estate agency company - contravening the guidelines issued by the EAA when engaging in activities pertaining to the acquisition of flats in old buildings - putting up advertisements for auction sale and/or notices of auction sale for properties without the consent/authority of the appointed trustees of the property concerned 	12

2019/20 年度常見違規事項 * Common Types of Non-compliance in 2019/20*	指稱宗數 Number of Allegations
9. 未有履行向買家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 purchasers	11
10. 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	11

* 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*	2017/18	2018/19	2019/20
有關的持牌人或前持牌人人數 Number of licensees or former licensees involved	359	180	234
行動性質 ¹ Type of actions ¹			
訓誡／譴責 Admonishment/reprimand	233	183	123
罰款 Fine	168	129	98
在牌照上附加條件 ² Attachment of conditions to licence ²	170	138	111
暫時吊銷牌照 Suspension of licence	31	24	14
撤銷牌照 Revocation of licence	30 [△]	34 [△]	57 [△]

* 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。

* 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 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。

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

² 部分條件於批出牌照時附加，其他隨後附加。

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

[△] 這些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 cases were decided by the Licensing Committee on the ground that the licensees concerned no longer met the relevant licensing requirements.