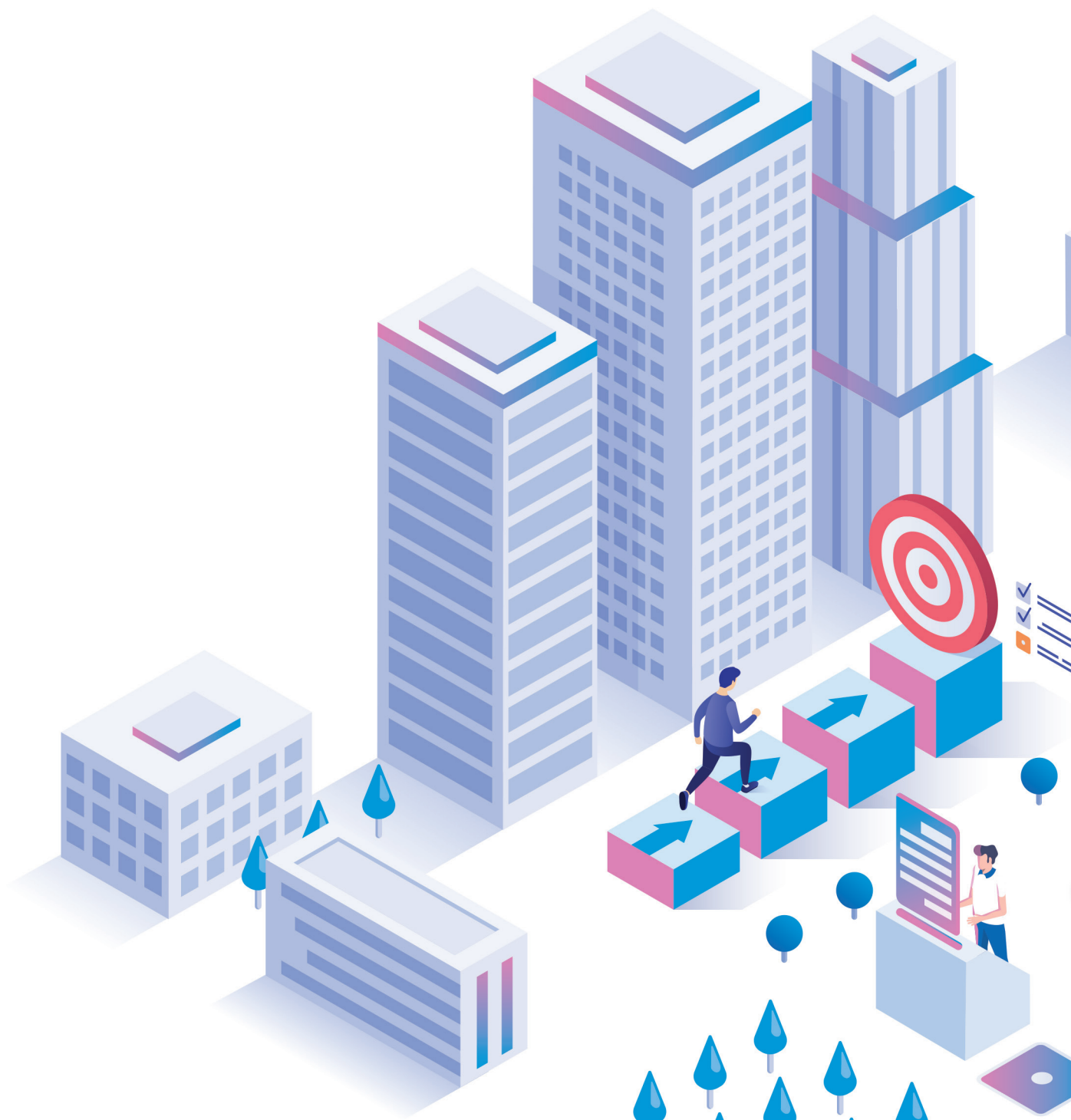


積極執法

Proactive in Law Enforcement





操守與規例

規例簡介

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，或維持或提升他們的地位。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。

發出執業通告

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責任。年內，監管局共發出兩份執業通告，細節如下。

通告編號23-01 (CR)

為應對財務行動特別組織在上一輪對香港進行的相互評估中所發現的與洗錢和恐怖分子資金籌集相關的風險及漏洞，以及協助持牌人遵守《2022年打擊洗錢及恐怖分子資金籌集(修訂)條例》下與地產代理行業有關的修訂，監管局發出了一份新執業通告，並於2023年6月1日生效。

該執業通告更新了地產代理行業在遵守反洗錢及打擊恐怖分子資金籌集規定的指引，主要包括引入不同類別的政治人物、修訂與信託相關的「實益擁有人」定義，以及在客戶沒有為識別和核實其身分而現身的情況下，容許以數碼識別系統來協助進行客戶盡職審查。

為協助業界更好地理解 and 遵守有關的最新規定，監管局在其網站上提供了一套已更新的「問與答」、「身分核實表格」範例及「持牌人的清單」，供業界參考。

Ethics and Regulations

Introduction of regulations

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 the 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.

Issuance of practice circulars

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

Circular No. 23-01 (CR)

In order to address the risks and gaps associated with money laundering and terrorist financing identified during the last round of mutual evaluation on Hong Kong conducted by the Financial Action Task Force and assist licensees to comply with the miscellaneous amendments relevant to the estate agency sector under the Anti-Money Laundering and Counter-Terrorist Financing (Amendment) Ordinance 2022, the EAA issued a new practice circular, which came into effect on 1 June 2023.

The practice circular updated the guidelines on compliance of anti-money laundering and counter-terrorist financing requirements for the estate agency sector. Some of the major changes in the practice circular included the introduction of different types of politically exposed person; amendment of the definition of “beneficial owner” in relation to a trust; and permission to use digital identification systems to assist the conduct of customer due diligence in situations where a customer is not physically present for customer identification and verification purposes.

To assist the trade to better understand and comply with the latest requirements, a set of updated “Questions and Answers”, “Sample Identity Verification Forms” and a “Checklist for Licensees” were provided at the EAA’s website for the trade’s reference.



通告編號23-02 (CR)

由於對港人購買境外物業的關注持續，且部分香港境外未建成物業（「境外未建成物業」）的銷售是透過持牌地產代理處理，為了在監管局的職權範圍內加強對消費者的保障及提升其在購買境外未建成物業時委託持牌地產代理的信心，監管局發出了一份新執業通告，並於2024年7月1日生效。

該執業通告優化了舊指引，進一步提升持牌人的專業水平。執業通告的部分新規定包括：持牌人取得的法律意見必須由境外未建成物業所在地的執業律師（而非其他人士）發出，並涵蓋對賣方和境外未建成物業的盡職審查，以及一些關鍵資料，如境外未建成物業的批准用途及用途限制，以及是否有任何機制保障買方所支付的訂金或部分付款等。此外，該執業通告規定銷售境外未建成物業的廣告及宣傳物品必須包含某些資訊，而該些資訊必須以指定方式呈示或展示，以便消費者識別廣告及宣傳物品是否由持牌地產代理發出。

為提高業界對執業通告規定的理解，監管局在其網站上提供了一套相關的「問與答」及一份在不同類型的境外未建成物業廣告及宣傳物品中的呈示要求的「摘要清單」，供業界參考。

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措施及／或文件，監管局在年內向持牌人共發出了六封致持牌人函件，其中一些例子如下列所述。

因應政府就物業市場的措施，監管局發出致持牌人函件，提醒他們有關住宅物業印花稅的安排、撤銷所有住宅物業需求管理措施之安排，以及香港金融管理局對物業按揭貸款逆周期宏觀審慎監管措施及其他相關監管要求的調整。

Circular No. 23-02 (CR)

As Hong Kong people buying properties outside Hong Kong remained a going concern and some uncompleted properties situated outside Hong Kong (“UPOH”) continued to be handled by licensed estate agents, to strengthen consumer protection within the EAA’s purview and enhance consumers’ confidence in engaging licensees in their purchase of UPOH, the EAA issued a new practice circular, which came into effect on 1 July 2024.

The practice circular enhanced the previous guidelines and further promoted the professionalism of licensees. Some of the new requirements in the practice circular included the legal opinion to be obtained by licensees must be issued by a lawyer (as opposed to other persons) practising in the place where the UPOH is situated, covering due diligence on the vendor and the UPOH and certain key information, such as the permitted user and user restrictions of the UPOH; and whether there is any mechanism in place to safeguard the deposits or part payments made by the purchasers etc. Also, the practice circular required that the UPOH advertisements and promotional materials must include certain information which must also be presented or displayed in a specific manner, for consumers’ easy identification if the advertisements and promotional materials are issued by licensed estate agents or not.

To enhance the trade’s understanding of the requirements in the practice circular, a set of related “Questions and Answers” and a “Summary Checklist” with respect to the presentation requirements for different types of UPOH advertisements and promotional materials were posted on the EAA’s website for the trade’s reference.

Issuance of Letters to Licensees

With a view to reminding licensees of the requirements under 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 six Letters to Licensees during the year, of which some are highlighted below.

In view of the Government’s initiatives in relation to the property market, the EAA issued Letters to Licensees to draw their attention to the stamp duty arrangements for residential properties; the cancellation of all demand-side management measures for residential properties; and the adjustments to the countercyclical macro prudential measures for mortgage loans and other related supervisory requirements by the Hong Kong Monetary Authority.

積極執法

Proactive in Law Enforcement

有關放寬資助出售單位的按揭安排，監管局亦發出致持牌人函件，通知他們新的安排及相關放寬措施將適用於在一手及二手市場出售的資助出售房屋單位，並提醒他們不可向資助出售房屋單位的買家提供任何不準確或具誤導性的資訊。

鑑於對出售違反居住規定的資助出售房屋單位的關注，監管局發出致持牌人函件，提醒持牌人切勿參與任何銷售涉及資助出售房屋單位的業主違反居住規定的資助出售房屋單位。同時，提醒持牌人在推銷資助出售房屋單位時，必須準確地描述該單位及避免胡亂使用「清水樓」一詞或其他類似的術語。

投訴與巡查

處理投訴與查詢

監管局共接獲201宗投訴，較2022/23年度的254宗投訴減少21%。減少的主因是有關香港境外物業的投訴大幅減少所致(下跌77%，由62宗減少至14宗)。

局方接獲的201宗投訴的指稱主要涉及發出違規廣告、不妥善處理臨時買賣合約(或臨時租約)，以及提供不準確的物業資料。

最常見的投訴類別為發出違規廣告。目前，網上廣告仍然是物業市場的主流，2023/24年度有關發出違規網上廣告的投訴佔所有違規廣告投訴總數的72%。

With respect to the relaxation of mortgage arrangements for subsidised sale flats ("SSFs"), the EAA issued a Letter to Licensees to inform them about the new arrangements and that the relaxation will be applicable to SSFs sold on both primary and secondary markets and they must not provide any inaccurate or misleading information to purchasers of SSFs.

In light of concerns regarding the sale of SSFs which have breached the live-in requirements, the EAA issued a Letter to Licensees to remind them not to participate in any sale of SSFs where the owner has breached the live-in requirements. Also, licensees were reminded to accurately describe the SSFs and refrain from using the term "unmodified flats" (「清水樓」) or similar terms recklessly in their promotion of the sale of SSF.

Complaints and Inspections

Complaints and enquiries handling

The EAA received 201 complaints, a decrease of 21% from 254 complaints in 2022/23. The decrease was mainly attributed to a significant decrease in the complaints regarding properties situated outside Hong Kong (a decrease of 77%, from 62 to 14).

Among the 201 complaints received, key allegations included issuing non-compliant advertisements, mishandling of provisional agreements for sale and purchase (or provisional tenancy agreements), and providing inaccurate property information.

Non-compliant advertisements were the most common type of complaints. Currently, advertising online remains the mainstream in the property market, and non-compliant online advertising complaints constituted 72% of the total non-compliant advertisement complaints in 2023/24.



監管局於2023/24年度共接獲201宗投訴，較2022/23年度的254宗投訴減少21%。

In 2023/24, the EAA received 201 complaints, a decrease of 21% from 254 complaints in 2022/23.



年內，監管局採取多項措施打擊違規廣告，透過資訊科技的協助，對網上物業平台進行合規巡查及網絡監察等。經過不斷努力，針對網上廣告的投訴亦相應減少，由2021/22年度的87宗、2022/23年度的52宗減少至2023/24年度的44宗。監管局將繼續監察情況並果斷執法。

年內，監管局亦收到4,402宗有關地產代理執業手法的查詢，並就899宗查詢採取相關的跟進行動。

In the year, the EAA took various measures to tackle the issue of non-compliant advertisements, such as conducting spot-checks and cyber patrols on property online platforms with the aid of IT technology. The continual efforts have resulted in a consequential decrease in complaints against online advertisements, from 87 in 2021/22, 52 in 2022/23 to 44 in 2023/24. The EAA will continue to monitor the situation and take effective enforcement actions.

In the year, the EAA also received 4,402 enquiries on estate agency practices, and in response to those enquiries, the EAA took follow-up actions on 899 enquiries.

投訴個案

Complaint Cases

個案數目 Number of Cases	2021/22	2022/23	2023/24
開立的個案 Opened	285	254	201
已完成的個案* Completed*	278	217	316

* 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 cases with prima facie evidence referred to and dealt with by the Disciplinary Committee and cases without prima facie evidence disposed of by the Complaints and Enforcement Sections.

已完成的個案結果* Results of Cases Completed*	2021/22	2022/23	2023/24
指稱成立 [△] Substantiated [△]	111	131	185
指稱不成立 Unsubstantiated	95	36	70
資料不足 Insufficient information to pursue	19	13	24
其他 [#] Others [#]	53	37	37
總數 Total	278	217	316

* 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 cases with prima facie evidence referred to and dealt with by the Disciplinary Committee and cases without prima facie evidence disposed of by the Complaints and Enforcement Sections.

[△] 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」。

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

[#] 包括擱置處理、取消投訴或因其他原因而終止處理的個案。

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

積極執法

Proactive in Law Enforcement

合規巡查及調查

由於2023/24年度的樓市淡靜，推出市面的一手住宅項目較少。年內，監管局對一手樓盤銷售地點的巡查次數較2022/23年度減少37%（由1,155次減少至725次），而對地產代理商舖進行的合規巡查及網上廣告抽查次數則分別輕微減少12%（由916次減少至810次）以及18%（由1,499次減少至1,223次）。此外，監管局針對反洗錢及反恐怖分子資金籌集規定進行了1,186次合規巡查，較上年的1,305次減少9%。

合規巡查／抽查

Compliance Inspections/Spot Checks

巡查／抽查次數 Number of Inspections/Spot Checks	2021/22	2022/23	2023/24
一手樓盤銷售地點* First-sale sites*	1,280	1,155	725
地產代理商舖 Agency shops	766	916	810
有關反洗錢及反恐怖分子資金籌集規定 About AML/CTF requirements	1,311	1,305	1,186
網上廣告 Online advertisements	1,101	1,499	1,223

* 包括樓盤所在處、樓盤銷售處及毗鄰區域。

Compliance inspections and investigations

The property market was quiet and fewer first-hand residential developments were launched into the market in 2023/24. In the year, the number of inspections conducted for first-sale sites decreased by 37% (from 1,155 to 725) as compared with 2022/23, whereas the respective numbers of compliance inspections at agency shops and spot checks on online advertisements slightly decreased by 12% (from 916 to 810) and 18% (from 1,499 to 1,223) respectively. Compliance checks for Anti-Money Laundering (“AML”)/Counter-Terrorist Financing (“CTF”) requirements also decreased by 9% (from 1,305 to 1,186).

* Include development sites, sales offices and vicinity areas.

經巡查和抽查後，監管局開立了101宗可疑違規個案，以供進一步調查。同時，監管局亦完成了138宗調查個案。

Subsequent to inspections and spot checks, 101 suspected non-compliant cases were opened for further investigation. During the same period, investigations into 138 cases were completed.

巡查／抽查發現的違規個案

Non-compliant Cases Arising from Inspections/Spot Checks

個案數目 Number of Cases	2021/22	2022/23	2023/24
開立的個案 Opened	160	110	101
已完成的個案* Completed*	169	161	138

* 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 cases with prima facie evidence referred to and dealt with by the Disciplinary Committee and cases without prima facie evidence disposed of by the Complaints and Enforcement Sections.

因應《業主與租客（綜合）條例》第IVA部生效，監管局於2022年向持牌人發出了執業通告（編號22-01(CR)），提供在處理劏房租賃時的相關指引。在2023/24年度，為進一步加強持牌人對該執業通告的了解，監管局到訪277間地產代理商舖作教育性巡查。

In response to the taking effect of Part IVA of the Landlord and Tenant (Consolidation) Ordinance, the EAA issued a practice circular (Circular No. 22-01 (CR)) in 2022 to provide guidelines for licensees to follow when handling the letting of subdivided units. In 2023/24, the EAA continued to strengthen the licensees' conversance with the practice circular by paying educational visits to 277 agency shops.



監管局亦分別於2023年7月及8月聯同差餉物業估價署進行兩次聯合教育行動，共到訪旺角及深水埗合共58間地產代理商舖。

此外，監管局於2023年9月推出了《地產代理良好處理劏房租賃約章》，鼓勵地產代理行業多走一步，透過約章展現出專業精神，協助業主和租客理解及遵守劏房租賃的相關要求。目前已有超過100間地產代理商舖簽署了該約章。

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2023/24年度，監管局對60宗牌照申請進行調查，懷疑申請人在牌照申請或牌照續期過程中作出虛假陳述或提供虛假資料，涉嫌觸犯《地產代理條例》內訂明的刑事罪行。年內，監管局向警方轉介了16宗可疑個案，以進行刑事調查。

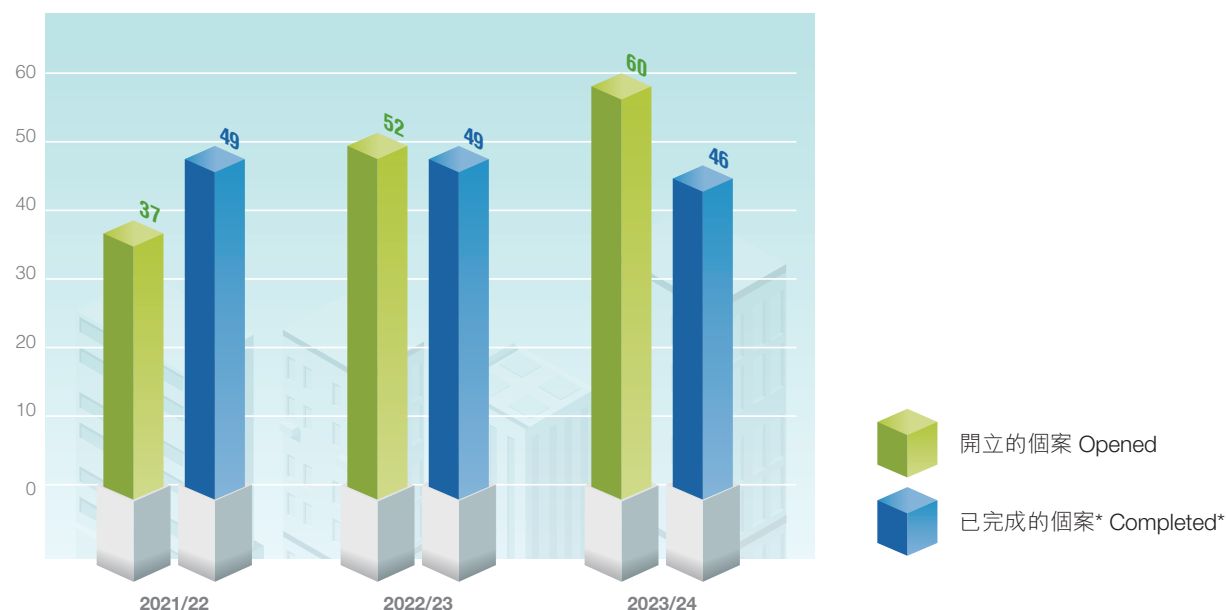
Besides, the EAA also conducted two joint educational operations with the Rating and Valuation Department in July and August 2023 respectively, in which a total of 58 agency shops in Mong Kok and Sham Shui Po were visited.

In addition, the EAA launched the “Charter on Good Practice of Estate Agents in Handling Subdivided Unit Tenancy” in September 2023 to encourage the estate agency trade to go the extra mile and display their professionalism by signing the Charter to assist landlords and tenants in understanding and complying with the relevant requirements of tenancy control on subdivided units. Over 100 estate agency shops have already signed the Charter.

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

In 2023/24, the EAA conducted investigations into 60 licence applications in which the applicants were suspected of making false statements or furnishing false information in their licence application or licence renewal process, which is an offence under the Estate Agents Ordinance. In the year, the EAA referred 16 suspicious cases to the Police for criminal investigations.

個案數目 Number of Cases



* 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.

打擊物業交易中洗錢及恐怖分子資金籌集的風險

2022年《反洗錢(修訂)條例》的相關法例修訂已於2023年6月1日生效，監管局因此修訂了反洗錢及反恐怖分子資金籌集的相關指引，並發出了新執業通告(編號23-01(CR))。在2023/24年度，除了持續專業進修計劃下的課程和網上學習活動外，監管局繼續進行外展教育活動(於2021年推出)，以面授方式向風險較低的地產代理公司提供有關反洗錢及反恐怖分子資金籌集要求的相關指導。透過這些外展教育活動，監管局提醒那些規模較小及資源有限的較低風險公司須留意新執業通告內相關指引的修訂。監管局將不遺餘力，繼續監察持牌人遵守反洗錢及反恐怖分子資金籌集規定的合規情況。

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，行政總裁可向監管局紀律委員會提出呈述，以決定是否就該個案進行研訊。

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，當中包括訓誡或譴責有關持牌人、將條件附加於有關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。

紀律委員會在2023/24年度內共判決了319宗個案。

2023/24年度判決的319宗個案中，312宗(即佔97.81%)的指稱成立。結果，共有336名持牌人被紀律處分，其中172名為個人持牌人¹，164名為公司持牌人。

同期，紀律委員會暫時吊銷了23個牌照，吊銷期由一星期至三個月不等。這些被處分的持牌人涉及作出違反專業操守的行為，例如履行職務時作出誤導性陳述或未有保障和促進客戶的利益。

Combatting money laundering and terrorist financing risks in property transactions

In light of the relevant legislative amendments made to the AML (Amendment) Ordinance 2022 which came into effect on 1 June 2023, the EAA revised the guidelines on AML/CTF and issued a new Practice Circular (Circular No. 23-01 (CR)). In 2023/24, alongside the CPD webinars and e-Learning, the EAA continued to run the outreach educational programme (launched in 2021) to provide face-to-face guidance on AML/CTF requirements to the lower-risk estate agencies. Through the outreach programme, the EAA drew to the particular attention of those lower-risk agencies, which are usually small-sized and with fewer resources, the changes in the revised guidelines set out in the new Practice Circular. The EAA will continue to spare no effort to promote and monitor the licensees' compliances with the AML/CTF requirements.

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/her licence, the CEO shall make a submission to the EAA's 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/her licence, suspending/revoking his/her licence, imposing a fine and making a costs order.

In 2023/24, the Disciplinary Committee adjudicated 319 cases.

Out of the 319 adjudicated cases in 2023/24, 312 were substantiated (i.e. 97.81%). As a result, a total of 336 licensees were disciplined, among which 172 were individual licensees¹ and 164 were company licensees.

During the same period, 23 licences were suspended by the Disciplinary Committee for periods that ranged from one week to three months. Licensees disciplined were found to have been engaged in unprofessional conduct, such as misrepresentations or failure to protect and promote the interests of their clients when carrying out their duties.

¹ 包括地產代理公司的獨資經營者及合夥人。

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



在2023/24年度內，共有273名持牌人被罰款，金額由1,000元至300,000元不等。

In 2023/24, a total of 273 licensees were fined, with fines that ranged from \$1,000 to \$300,000.



模擬紀律研訊圖片。
A staged inquiry hearing.

公布研訊的裁決理由

監管局在其標題為「近期的紀律研訊結果」的網頁上公布最近的紀律研訊的裁決結果。在三年後（視乎個案的裁決日期而定），監管局會將所有在「近期的紀律研訊結果」中指稱成立的全面紀律研訊個案及其裁決理由，移至其標題為「過往的紀律研訊案件的裁決理由」的網頁，為期五年。

上述公布不但提高了監管局工作的透明度，亦能讓地產代理業界更了解監管局的紀律裁決及如何遵從《地產代理條例》，以減低日後出現類似違規行為的風險。長遠來說，監管局期望該公布將會有助於提升業界的專業水平。

同時，公布紀律研訊裁決理由亦能讓公眾明白監管局的紀律裁決，讓他們在使用持牌人服務時能作出知情的選擇。

Publication of reasons for the decisions of inquiry hearings

The EAA publishes results of recent inquiry hearings on its webpage titled “Recent Inquiry Hearing Results”. After a period of three years depending on the date of adjudication of the cases, the EAA will move all the substantiated full inquiry hearing cases and their reasons for decisions under “Recent Inquiry Hearing Results” to its webpage titled “Reasons for Decisions of Past Inquiry Hearing Cases” for a period of five years.

The aforesaid publication not only enhances the transparency of the EAA’s work, it also enables the estate agency trade to have a better understanding of the EAA’s disciplinary decisions and learn how to comply with the EAO, which helps reduce the risks of similar non-compliances in the future. In the long run, it is hoped that such publication will contribute to the improvement of the professional standard of the trade.

Publication of the reasons for disciplinary decisions also provides a way for the public to understand the EAA’s disciplinary decisions and enables consumers to make informed choices when they engage the services of licensees.

已舉行並作出裁決的紀律研訊次數

Number of Inquiry Hearings Held with Decision Handed Down

年份 Year	2021/22	2022/23	2023/24
研訊次數 Number of hearings	318	299	319

2023/24年度常見違規事項* Common Types of Non-compliance in 2023/24*		指稱宗數 Number of Allegations
1.	發出包含在要項上屬虛假或具誤導性資訊的廣告；未獲賣方／業主事先書面同意下發放廣告或發出違反賣方／業主指示的廣告 Issuing an advertisement with false or misleading information in a material particular; advertising without the vendor/landlord's prior written consent or in contravention of their instruction	159
2.	沒有在物業的廣告內清楚及可閱地述明相關物業編號及／或該廣告的發放／更新的日期；沒有就為賣方發出廣告的物業編配一個獨有的識別編號（「物業編號」）；沒有確保在所有有關該物業的廣告中清楚及可閱地述明相同的物業編號 Failing to state clearly, legibly and accurately in a property advertisement the property number concerned and/or the date on which the advertisement was issued/updated; failing to assign a unique identification number ("Property Number") to a property when issuing advertisements for the vendor for the property; failing to ensure that the same Property Number was stated clearly and legibly in all the advertisements of that property	69
3.	未經許可下在公共場所張貼廣告海報 Affixing advertising posters in public place(s) without permission	64
4.	提供不準確的物業或交易資訊；未有查核向客戶提供的物業或交易資訊之準確性；未有向客戶提供物業或交易資訊 Providing property or transactional information which is inaccurate; failing to verify the accuracy of property or transactional information provided to clients; failing to supply property or transactional information to clients	43
5.	在廣告內提供物業的樓面面積時未有遵守監管局所發出的指引 Failing to comply with the guidelines issued by the EAA when providing the floor area information of a property in an advertisement	38
6.	未有與客戶訂立地產代理協議 Failing to enter into an estate agency agreement with clients	29
7.	未有在廣告中清楚而顯眼地述明其地產代理牌照號碼或相關營業詳情說明書的號碼，以及在有關營業詳情說明書內述明的營業名稱 Failing to state clearly and conspicuously in the advertisement the number of its estate agent's licence or the relevant statement of particulars of business ("SPOB") and the business name as stated in the relevant SPOB	24
8.	未有按照訂明表格中所列明的指示和指引填寫該表格；未有在地產代理協議中清楚列明該協議有效期的屆滿日 Failing to complete a prescribed form in accordance with the directions and instructions specified in the form; failing to state clearly in an estate agency agreement the expiry date of its validity period	20



(續)
(continued)

2023/24年度常見違規事項* Common Types of Non-compliance in 2023/24*		指稱宗數 Number of Allegations
9.	未有為對其員工／下屬施加有效的控制設立妥善的程序或制度，以監督和管理其地產代理工作的業務 Failing to exercise effective control on employee(s)/subordinate(s) by establishing proper procedures or systems to supervise and manage the estate agency business	18
10.	未管有訂明的物業資料或未能確保持牌人管有的訂明物業資料準確無誤 Failing to possess prescribed property information or failing to ensure that the prescribed property information in the licensee's possession was accurate	18

* 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*	2021/22	2022/23	2023/24
有關的持牌人或前持牌人數目 Number of licensees or former licensees involved	432	311	336
行動性質 ¹ Type of actions ¹			
訓誡／譴責 Admonishment/reprimand	313	312	338
罰款 Fine	265	253	273
在牌照上附加條件 ² Attachment of conditions to licence ²	206	182	168
暫時吊銷牌照 Suspension of licence	18	14	23
撤銷牌照 Revocation of licence	32 [△]	41 [△]	37 [△]

* 這些行動是根據《地產代理條例》所賦予的權力而採取的。當中部分行動屬紀律性質，其他則是由牌照委員會裁定的。部分個案是從往年延續下來的個案。

* These actions were taken pursuant to powers under the EAO. Some actions were disciplinary in nature whereas others were decided by the Licensing Committee. 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，其餘則隨後附加。

² Some conditions were attached upon the granting of licences while others were attached subsequently.

[△] 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.