

區區有「理」社區服務建議比賽

**Estate Agents Community Service
Proposal Competition**

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韓婉萍
行政總裁

Ruby Hon Yuen-ping
Chief Executive Officer

“ 各位持牌人，請緊記所有廣告必須合規，讓消費者得到準確可靠的物業資訊，減少不必要的誤會，不但可以避免被人投訴，亦可與客戶達至雙贏。 ”

“ Licensees are advised to bear in mind that all advertisements must be compliant, so that consumers can get accurate and reliable property information, and unnecessary misunderstandings be reduced. This would not only avoid complaints but also achieve a win-win situation with clients. ”

正確宣傳手法

Promotion in a correct way

受疫情影響下，不少地產代理倚靠網上平台及手機作宣傳推廣，減少與客戶面對面接觸。然而，監管局仍會不時收到有關亂貼街招廣告的投訴，反映行內仍存在這種古老行銷方法。

其實，隨處張貼街招宣傳樓盤，不但顯得不夠專業，更可能對行人及其他道路使用者造成滋擾，損害地產代理業界的聲譽和形象。而且，在未經許可下，於公眾地方張貼廣告，有可能觸犯《公眾衛生及市政條例》，倘若在私人土地或政府土地上張貼廣告，但未經該土地擁有人或食物及衛生局局長書面准許的話，亦屬於違法行為。

至於利用互聯網或手機作宣傳，既省時便捷，成效亦高。不過，也正因方便度太高，「擦個掣」便已輕易將資料公開發放，持牌人如果不夠小心，便有機會因過於草率而發出違規廣告。

筆者希望在此提醒各位持牌人，作為專業的地產代理，不論以何種模式宣傳物業，都要緊記符合相關規例。

例如，持牌人在發出物業廣告前，必先取得業主的書面同意，並必須以客戶所指示的價格或條款宣傳該物業。同時，持牌人須就每一個發出廣告的物業編配一個獨有的識別編號，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。

此外，有關的物業不再可供出售或租賃後或有關的地產代理協議終止後（兩者之中以較早者為準），所有發出的廣告須在切實可行的範圍內盡快從網絡空間、店鋪櫥窗或其他廣告渠道中移去。

各位持牌人，請緊記所有廣告必須合規，讓消費者得到準確可靠的物業資訊，減少不必要的誤會，不但可以避免被人投訴，亦可與客戶達至雙贏。

Due to the epidemic, many estate agents now rely on online platforms and mobile phones to publicise and promote properties, so as to reduce face-to-face contact with customers. However, from time to time, the EAA still receives complaints about advertisements posted in public areas, reflecting that this old marketing method still exists today.

Posting advertisements in public places looks unprofessional and is an eyesore to pedestrians and other road users, and tarnishes the reputation and image of the estate agency trade. In addition, if the advertisement is posted without permission, it may violate the Public Health and Municipal Services Ordinance. It is also illegal to post on private or Government land without the written consent of the landowner or the Secretary for Food and Health.

As for the use of the Internet or mobile phones for promotion, while it is time-saving, convenient and highly effective, it is however too convenient to click the button and release information to the public. If licensees are not careful enough, there will be a chance of issuing non-compliant advertisements due to haste.

Here, I would like to remind licensees that as a professional estate agent, no matter what method is being used to promote a property, they must remember to comply with the relevant regulations.

For example, before issuing a property advertisement, licensees must first obtain the written consent of the vendor and promote the property at the price or terms indicated by their clients. Licensees must also assign a unique property number to each advertised property, and clearly and legibly state in the advertisement the property number and the date on which the advertisement was issued or updated.

In addition, after the relevant property is no longer available for sale or lease or after the termination of the relevant estate agency agreement (whichever is the earlier), all advertisements must be removed as soon as practicable from cyberspace, shop windows or other advertising channels.

Licensees are advised to bear in mind that all advertisements must be compliant, so that consumers can get accurate and reliable property information, and unnecessary misunderstandings be reduced. This would not only avoid complaints but also achieve a win-win situation with clients.

區區有「理」社區服務建議比賽

Estate Agents Community Service Proposal Competition

區區有「理」社區服務建議比賽（「比賽」）剛於2020年6月完滿結束。比賽在2019年8月推出後，吸引了超過20個隊伍報名參加。初選評審小組在2019年11月選出八個入圍隊伍競逐最終獎項。雖然2019冠狀病毒病在香港傳播，為入圍隊伍執行服務建議時帶來困難，但各隊伍仍竭盡全力籌備／推出他們的社區服務。

在2020年6月，終選評審小組對各入圍隊伍的建議書及進度報告進行評審後，選出得獎名單：

The EAA's Estate Agents Community Service Proposal Competition ("the Competition") has been completed in June 2020. Since the introduction of the Competition in August 2019, over 20 teams have submitted their proposals. Eight teams were shortlisted by the Preliminary Judging Panel in November 2019 to compete for the final awards. Although the spread of COVID-19 in Hong Kong brought difficulties to the finalists to execute their proposals, the team still used their best endeavours to prepare for / roll out their community services.

After evaluating the finalists' proposals and progress reports, the Final Judging Panel has decided the winners in June 2020:

	隊伍名稱 Team name	計劃名稱 Name of the proposal	所屬公司／商會 Respective company/ trade association
環保有「理」 Environmental Protection Section			
金獎 Champion	社區更美隊	區區有理清潔跑	美聯物業代理有限公司
銀獎 First runner-up	有理有我	環保先鋒、區區有理	香港地產代理商總會北角區分會
銅獎 Second runner-up	區區有傢事隊	搬屋後傢俱回收／捐贈計劃	美聯物業代理有限公司
優異獎 Merit	「傢傢有理」服務團隊	傳「傢」之寶 - 傢俬配對服務	中原地產代理有限公司
關顧有「理」 Community Caring Section			
金獎 Champion	家居有「理」	家居有「理」家居維修	香港地產代理商總會中西區分會
銀獎 First runner-up	「祥益」與您同行 服務團隊	「樂業安居在社區」 預聘計劃	祥益地產代理有限公司
銅獎 Second runner-up	祥益智義義工團	劏房戶自置居所培訓計劃	祥益地產代理有限公司
優異獎 Merit	世紀21奇豐義工隊	行山義工探訪隊計劃	世紀21奇豐物業顧問行
特別獎 Special Awards			
最佳執行獎 Best Execution	家居有「理」	家居有「理」家居維修	香港地產代理商總會中西區分會
最別出心思獎 Best Idea	社區更美隊	區區有理清潔跑	美聯物業代理有限公司
最具地區特色獎 Best Community Feature	社區更美隊	區區有理清潔跑	美聯物業代理有限公司
最具成本效益獎 Best in Cost-effectiveness	有理有我	環保先鋒、區區有理	香港地產代理商總會北角區分會



監管局主席梁永祥教授SBS太平紳士（右一）頒獎予「環保有『理』」組別金獎得主。

EAA Chairman Professor William Leung Wing-cheung, SBS, JP (right), presents the award to the Champion of the "Environmental Protection" Section.

勝出環保有「理」金獎的隊伍「社區更美隊」，同時亦為「最別出心思獎」及「最具地區特色獎」的得主。該隊伍建議在屯門及元朗區舉行「區區有『理』清潔跑」，在慢跑途中清理沿途垃圾，並記錄過程中所消耗的卡路里，轉化為同等數額，捐款予慈善機構。「社區更美隊」已就活動舉行試跑，並預計於2020年下半年正式推行。

關顧有「理」金獎的得獎隊伍「家居有『理』」，同時也贏得「最佳執行獎」。該隊伍為中西區長者提供免費的小型家居維修服務，活動於2020年1月進行，共有6位長者獲得協助維修或更換破損家俱。因應2019冠狀病毒疫情，該隊伍亦在2020年3月在社區內派發了一千個口罩。

「最具成本效益獎」由隊伍「有理有我」奪得，隊伍建議在北角區收集二手傢俬及電器，再透過網上平台分配予有需要人士。服務計劃已錄得超過十個成功配對的個案。

得獎隊伍的更多詳情及得獎感受已上載至比賽網站：<http://csr2019.eaa.org.hk>

The Champion of the Environmental Protection Section goes to the team of “社區更美隊”，which is also the winner of “Best Idea” and “Best Community Feature”. They proposed a “jog & clean” programme serving Tuen Mun and Yuen Long Districts. The proposal is to jog and pick up litter at the same time, while recording the amount of calories consumed during the jog and donating the same amount of money to the charity organisation. A trial run of the programme has been conducted. The programme is targeted to roll out officially in the second half of 2020.

The Champion of the Community Caring Section goes to the team of “家居有『理』”，which also garnered the special award of “Best Execution”. The team offered to carry out free minor repair works in the homes of the elderly in Central and Western District. The programme was conducted in January 2020, and six elderly people

benefitted from the repairing or replacement of damaged home fittings and malfunctioning electrical appliances. The team also distributed 1,000 face masks to the community due to the spread of COVID-19 in March 2020.



監管局主席梁永祥教授SBS太平紳士（右一）頒獎予「關顧有『理』」組別金獎得主。

EAA Chairman Professor William Leung Wing-cheung, SBS, JP (right), presents the award to the Champion of the "Community Caring" Section.

The special award of “Best in Cost-effectiveness” goes to the team of “有理有我”. The proposed programme is to collect the second-hand furniture and electrical appliances in North Point and re-distribute them to people in need through online platform. Over ten matches were made successfully.

More information about the awardees is available on the Competition website: <http://csr2019.eaa.org.hk>



「社區更美隊」早前就「區區有『理』清潔跑」活動舉行試跑。
“社區更美隊” conducted a trial run of the “jog & clean” programme.



「家居有『理』」隊伍成員為中西區長者提供免費的小型家居維修服務。
The team “家居有『理』” carried out free minor repair works in the homes of the elderly in Central and Western District.

終選評審小組名單 List of Final Judging Panel

梁永祥教授 SBS JP Prof William Leung, SBS, JP	地產代理監管局主席 Chairman, Estate Agents Authority
黃光耀先生 Mr Ricky Wong	地產代理監管局成員 Member, Estate Agents Authority
黎廷瑤先生 Mr Lai Ting Yiu	《星島日報》行政總裁及總編輯 Chief Executive Officer and Chief Editor of <i>Sing Tao Daily</i>

初選評審小組名單 List of Preliminary Judging Panel

郭昶先生 Mr Anthony Kwok	香港地產代理專業協會會長 President, Society of Hong Kong Real Estate Agents
黃漢成先生 Mr Daniel Wong	地產代理管理協會會長 President, Estate Agents Management Association
盧光輝測量師 Mr Eddie Lou	香港房地產代理業聯會秘書長 Secretary General, Hong Kong Property Agencies Association
吳元興先生 Mr Evan Ng	地產代理（從業員）總公會主席 Chairman, Estate Agent Association
施明如女士 Ms Karen Sze	香港地產代理商總會主席 Chairman, Hong Kong Real Estate Agencies General Association
汪敦敬博士 MH Dr Lawrance Wong, MH	香港專業地產顧問商會榮譽會長 Honorary President, Hong Kong Chamber of Professional Property Consultants
何潔芝女士 Ms Rosanna Ho	地產代理人員協會主席 Chairman, Property Agents Association
劉蕙冰女士 Ms Win Lau	香港新界地產代理商聯會前主席 Former Chairman, H.K.N.T. Estate Agents & Merchants Association

發放專業發展資助及政府現金津貼

Issuance of Professional Development Subsidy and Government Financial Subsidy

監管局理解地產代理從業員自2019年下半年起所面對的經營困難，局方與八大商會討論後，在得到商會代表的支持及董事局的批准之下，於2020年1月宣布向每位合資格的個人持牌人發放一筆過\$500的專業發展資助。

該筆資助已於今年4月起開始發放予合資格的個人持牌人，監管局會按牌照號碼的先後順序，分批以平郵將本票寄至他們載於登記冊上的註冊地址。

有關合資格人士的條件及專業發展資助的發放時間表，請參閱：www.eaa.org.hk/Licensees/News-and-Reminders/23-01-2020

此外，政府亦公布在第二輪「防疫抗疫基金」下向合資格的個人持牌人提供一筆過相等於相關牌照24個月牌照費的現金津貼。該筆資助的目的是向地產代理業界的個人持牌人提供及時的財政支援，以紓緩2019新型冠狀病毒疫情對地產代理工作帶來的負面影響。

The EAA understands the difficulties faced by the practitioners since the second half of 2019. After discussing with and having the support from the eight major trade associations, and with the approval of the EAA Board earlier, the EAA announced in January 2020 that it would offer a one-off professional development subsidy of HK\$500 to each eligible individual licensee.

The release of the subsidy to eligible individual licensees has been started from April 2020. The cashier's orders will be delivered to their registered addresses (as shown on the Register), through ordinary mail by batches according to the numerical order (ascending) of their licence numbers.

For the eligibility and delivery schedule of the professional development subsidy, please visit: www.eaa.org.hk/Licensees/News-and-Reminders/23-01-2020

On the other hand, the Government has also announced to provide a one-off cash subsidy equivalent to 24-month licence fee for respective licences to eligible individual licensees under the second round of Anti-epidemic Fund. It aimed to provide some timely financial support to individual licensees in the estate agency trade in view of the adverse impact of the COVID-19 pandemic on their practice of estate agency work.



根據政府釐訂的準則，現金津貼將發放予：

According to the criteria set by the Government, the subsidy will be provided to the following persons:

- 每一名於2020年4月8日（即行政長官宣布措施當天）持有有效個人牌照（即地產代理（個人）牌照或營業員牌照）的人士；及
each individual licensee holding a valid licence (i.e. estate agent's licence (individual) or salesperson's licence) on 8 April 2020 (i.e. the date on which the Chief Executive announced the measure);
- 每一名於2020年4月8日或之前遞交個人牌照（即地產代理（個人）牌照或營業員牌照）申請並於2020年12月31日或之前獲批給牌照的人士。現金津貼的金額以該申請人截至2020年4月8日所申請的牌照類別為準。
each individual who has submitted an application for an individual licence (i.e. estate agent's licence (individual) or salesperson's licence) on or before 8 April 2020 and whose licence is approved by 31 December 2020. The amount of cash subsidy is based on the type of licence that the individual has submitted application for as at 8 April 2020.

相關津貼已於2020年5月起開始發放予合資格的個人持牌人，有關政府現金津貼的詳情及發放時間表，請參閱：www.eaa.org.hk/Licensees/News-and-Reminders/11-05-2020

The release of the subsidy to eligible individual licensees has started since May 2020. For details and the delivery schedule of the Government's cash subsidy for individual licensees, please visit: www.eaa.org.hk/Licensees/News-and-Reminders/11-05-2020

為減低發放以上兩筆資助的本票時可能遇到的郵誤風險，持牌人如有需要可更新他們的「登記地址」。他們可透過監管局的電子服務更新，或於監管局網頁下載及填妥「個人資料更改通知書」，然後交予監管局。

To reduce the risk of mail loss of the cashier's order of both the above subsidies, licensees may update their "Registered Address" if necessary. The Registered Address can be updated via the EAA's e-Services or by submitting the completed form of "Notice of Change of Personal Information", which can be downloaded from the EAA website.

關於業主繳納差餉及/ 或地租的建議 Advice to Property Owners on Rates and/ or Government Rent Liability

差餉物業估價署（「估價署」）最近發文建議監管局的持牌人，在物業交易之前，提醒其客戶有關繳納差餉及/ 或地租以及查閱並繳清所累欠的差餉及/ 或地租的責任。任何逾期未繳納的差餉及/ 或地租均會被徵收附加費，政府也可採取法律行動追收欠款。

The Rating and Valuation Department ("RVD") has recently issued an article to advise EAA's licensees to remind their clients of the liability of rates and/or Government rent and the responsibility to check and clear any outstanding balance of rates and/or Government rent prior to the transaction of the property. Any outstanding balance of rates and/or Government rent will be imposed as a surcharge for late payment and the Government may take legal action to recover the outstanding amount.

監管局鼓勵持牌人參閱估價署的相關宣傳單張：www.rvd.gov.hk/doc/tc/RVD1054_2007_10.pdf

The EAA encourages licensees to refer to the related leaflet of RVD at: www.rvd.gov.hk/doc/en/RVD1054_2007_10.pdf

如需進一步資料或查詢，請致電估價署查詢熱線2152 0111或瀏覽該署網頁：www.rvd.gov.hk

For any further information or enquiries, please contact the RVD's hotline at 2152 0111 or visit its website at www.rvd.gov.hk

「境外置業要究SMART」公開講座

Public seminar titled “Purchasing Non-local Properties Be SMART”

監管局於2020年3月28日舉行題為「境外置業要究SMART」公開講座，局方因應2019冠狀病毒疫情，首次以網上直播形式進行是次講座。

講座由無線電視前新聞主播陳聞賢小姐擔任主持，三位來自不同專業範疇的講者，包括冠域商業及經濟研究中心主任關焯照博士、香港經濟投資學院課程總監葉景強先生，以及監管局執行總監陳汝倣律師，向網上觀眾分享不同國家的物業市場前瞻，以及購買香港境外物業時須注意的事項。

監管局是次講座於媒體合作夥伴香港經濟日報的Facebook平台上共吸引超過40,000次瀏覽。講座的精華片段已上載至監管局網頁及YouTube頻道。

A public seminar titled “Purchasing Non-local Properties Be SMART” was held by the EAA on 28 March 2020. It was the first time for the EAA to organise a public seminar through online live streaming under the pandemic of COVID-19.

The seminar was hosted by Ms Crystal Chan, former TVB news anchor. Three speakers from different professions, including Dr Andy Kwan, Director of ACE Centre for Business and Economic Research; Mr Yip King-keung, Course Director of 香港經濟投資學院 and Mr Chan U-keng, Director of Operations of the EAA shared their views on the outlook of the property markets in different countries and talked about the important points to note when purchasing overseas properties.

The seminar attracted over 40,000 views from the facebook platform of Hong Kong Economic Times, the media partner of the seminar. Video highlight of the seminar is also available on the EAA's website and its YouTube channel.



三位講者與主持合照。（左起：葉景強先生、關焯照博士、陳聞賢小姐及陳汝倣律師）

Three speakers with the host of the seminar. (From left to right: Mr Yip King-keung, Dr Andy Kwan, Ms Crystal Chan and Mr Chan U-keng)



許智文教授 MH

Professor Eddie HUI Chi-man, MH

香港理工大學建築及房地產學系教授

Professor, Department of Building and Real Estate, The Hong Kong Polytechnic University

物業管理服務監管局副主席

Vice Chairman, The Property Management Services Authority

香港房屋協會監事會成員

Member, Supervisory Board, Hong Kong Housing Society

香港測量師學會研究委員會主席

Chairman, Research Committee of Hong Kong Institute of Surveyors

監管局成員許智文教授 MH

Professor Eddie HUI Chi-man, MH

Member of the EAA

本期《專業天地》專訪了監管局成員許智文教授，了解一下他對業界專業水平及香港房地產發展的看法。

In this issue of *Horizons*, we interview our EAA Board member Professor Eddie HUI Chi-man, about his views on the trade's professional standard and the development of the Hong Kong real estate market.

問 成為監管局牌照委員會和紀律委員會的成員後，你對地產代理行業有何看法？對從業員的看法有沒有改變呢？

答 加入了監管局之後，我對地產代理行業有更加深的認識，尤其是關於這個行業的三個層面：包括嚴謹性、廣泛性和重要性。先說說嚴謹性：透過紀律委員會的工作，令我更明白到地產代理工作並不簡單，很多工作都需要嚴謹執行，而從業員的操守更是尤為重要，同時客戶對他們也有一定的期望，萬一期望與表現之間有落差，便可能會出現投訴。至於廣泛性：透過牌照委員會的工作，我發現地產代理行業內的人才十分廣泛。雖然如此，發牌時也有不少準則需要跟循。最後關於重要性：地產代理促成的

Q What are your perceptions on the estate agency trade after becoming a member of the EAA's Licensing Committee and Disciplinary Committee? Are there any changes in your views on the practitioners?

A After joining the EAA, I have a deeper understanding of the estate agency industry, especially about the three aspects of this industry: rigor, broadness and importance. Let's talk about rigor first: Through the work of the Disciplinary Committee, I realised that estate agency work is not simple. Many tasks need to be rigorously executed, and the ethics of practitioners is particularly important. At the same time, customers also have certain expectations for them, and in the event of a gap between expectations and performance, there could be complaints. As for broadness: Through the work of the Licensing Committee, I found that the talents in the estate agency trade are very extensive. Nevertheless, there are many principles to be followed in granting a licence. Finally, on the aspect of importance: Property transactions facilitated by estate agents mostly involve huge

物業交易多涉及巨額金錢，他們每一宗交易也十分重要，為免被不法之徒所利用，地產代理需要和其他很多重要金融行業一樣，依循反洗錢的規例行事。

amounts of money. Each transaction is very important. To avoid being manipulated by criminals, estate agents need to follow the anti-money laundering regulations in the same manner as many other important financial sectors.

問 從學術角度來看，你認為地產代理行業在香港物業市場的發展中發揮甚麼作用？他們可以如何增加影響力？

Q From an academic point of view, what do you think about the role of estate agency practitioners in the development of the Hong Kong real estate market and how can they enhance their influence?

答 其實地產代理的角色越來越重要，不單止在二手物業市場上，他們在一手物業市場也發揮很大的作用。發展商大多都會借助地產代理的力量去向消費者推廣樓盤。我認為，現今的地產代理，應該不斷增進自己的專業知識，多些參加持續培訓，學習多一些科技運用，例如可以用虛擬實境(VR)宣傳樓盤等，以協助促成交易。另外，除了要與時並進，保持言之有信也十分重要。地產代理必需要注重言行操守，建立可信、可靠的形象，在大眾心目中漸漸建立公信力，行業才會得到別人尊重。

A As a matter of fact, the role of estate agents is becoming more and more important, not only in the second-hand property market, but also in the first-hand property market. Most developers will make use of the influence of estate agents to promote their property developments to consumers. In my opinion, estate agents nowadays should continue to enrich their professional knowledge, participate in more continuous training, and learn more about the use of technology, such as the use of virtual reality (VR) to promote properties, etc., to help facilitate transactions. In addition to keeping up with the times, upholding integrity is also very important. Estate agents must pay attention to their words, conduct and ethics, build up a trustworthy and reliable image, so that the industry can gradually establish credibility in the minds of the public and be respected by others.

問 傳媒不時訪問你如何看物業市場趨勢。你可否也和我們的讀者分享一下你對後市發展的見解？

Q You are always interviewed by the media about your views on the property market trend. Could you also share some of your insights with our readers on how the market will develop from now?

答 真的很難預測。因為近一年來的社會運動和疫情關係，物業的成交情況受到影響。樓價方面，一直保持着大約每月百分之一的跌幅，而成交宗數方面，同樣亦大受影響，直至五月新盤的情況才稍為好轉。然而，基於近期的國安法及中美關係問題等因素，有機會影響到香港的經濟根基，令未來的樓市變得更加難以估計。而近期亦見到有銀行對物業的估價轉趨保守，相信會影響到物業的放盤價格。另外加上失業率上升亦會對物業價格構成影響，所以總的來說，我個人認為，短中線來看，樓市仍會繼續受壓。

A It's really difficult to predict. Due to the impact of the social movement and the pandemic in the past year, the property transactions have been affected. In terms of property prices, there has been a decline of about 1% per month, while the number of transactions has also been greatly affected. It was not until May that the situation in the first-hand property market improved slightly. However, owing to the influence of recent issues including national security laws and Sino-US relations, the economic foundation of Hong Kong might be affected, making the future property market more difficult to predict. Recently, banks are also becoming more conservative in property valuations. I believe it will affect the listing prices of properties. In addition, the increase in the unemployment rate will also have an impact on property prices. Hence, in general, I personally think that in the short and medium run, the property market will continue to be under pressure.

紀律研訊個案 Disciplinary hearing case

有關按揭資訊的失實陳述
Misrepresentation on mortgage information

引言

持牌人不得向客戶提供任何不準確的按揭計劃資料或保證其可獲得某按揭貸款金額或條款，否則有機會被監管局紀律處分。

Introduction

Licensees must not provide any inaccurate information on mortgage plans to clients or give any assurance that a certain amount of mortgage loan or terms could be successfully obtained. Otherwise, they may be disciplined by the EAA.

事件經過

一名地產代理安排一名準買家視察某個工廈單位。因該準買家並不是香港居民，故此她向代理查詢是否可向香港的銀行取得按揭貸款。該名地產代理向她稱，她能夠取得樓價八成的按揭貸款。在簽訂臨時買賣合約前，代理亦再次向她列出利息、兩成首期及八成按揭貸款的金額等資料。

其後，該買家向數家香港銀行查詢按揭事宜。然而，各銀行均拒絕向她提供按揭貸款；只有一間銀行表示因她的主要收入來源來自香港以外地區，而最高只能批出樓價三成的按揭貸款。她最終取消交易，並向監管局作出投訴。

Incident

An estate agent arranged for a prospective purchaser to inspect an industrial property. The prospective purchaser, who is not a Hong Kong resident, asked the estate agent if she could obtain a mortgage from a bank in Hong Kong. The estate agent replied that she could obtain a mortgage loan of 80% of the property price. Before entering into the provisional agreement for sale and purchase, the estate agent reconfirmed the client on the interest rate, amount of 20% down payment and amount of mortgage loan she could obtain.

Later, the purchaser visited several banks in Hong Kong to make enquiries for a mortgage loan. However, most of the banks refused to provide her a mortgage loan of the property, only one bank indicated that as her main source of income was outside Hong Kong, the bank could only grant her a mortgage loan of 30% of the property price. She finally cancelled the transaction and lodged a complaint with the EAA.



研訊結果

監管局紀律委員會認為，該地產代理沒有充分理解香港金融管理局（「金管局」）制定的措施，並向其客戶作出有關按揭資料的失實陳述。根據金管局當時的指引，主要收入來自香港以外地區的申請人，就工商物業承造的物業按揭成數上限為樓價之三成。

因此，該地產代理違反了《操守守則》第3.2.2段，即「地產代理和營業員應掌握有關的一切法律、政府規例，及地產市場的重要事實和發展，以便能盡責地向客戶提供意見。他們應盡量憑本身在地產方面的知識、訓練、資歷和經驗向客戶提供服務和意見」。

考慮到個案的性質及該地產代理的違規紀錄，紀律委員會決定譴責該名地產代理，向他罰款2,000元，並在其牌照上附加條件，要求他在12個月內取得持續專業進修計劃下的12個學分。

Result

The EAA Disciplinary Committee was of the view that the estate agent made a misrepresentation on mortgage information to his client without being fully conversant with the measures of the Hong Kong Monetary Authority ("HKMA"). According to the guidelines issued by HKMA at the material time, the maximum debt-servicing ratio for commercial and industrial properties for which an applicants' income is mainly derived from outside Hong Kong is 30% of the property price.

Hence, the estate agent was in breach of paragraph 3.2.2 of the *Code of Ethics* which states that "Estate agents and salespersons should keep themselves informed of any laws, government regulations, essential facts and developments in the real estate market in order to be in a position to advise their clients in a responsible manner."

Having considered the nature and gravity of the case, and the disciplinary record of the estate agent, the Committee decided to reprimand him, impose a fine of \$2,000 and attached a condition to his licence, requiring him to obtain 12 points under the EAA's Continuing Professional Development Scheme in 12 months.



廖志明先生
香港新界地產代理商聯會永遠榮譽主席
Mr Liu Chi-ming
Life-long President of H.K.N.T. Estate
Agents & Merchants Association

業界意見 Comment from trade

地產代理不應輕率地向客戶作出任何有關按揭金額或條款的承諾，從業員應謹記作出失實陳述是不負責任的行為，他們應建議客戶諮詢相關銀行或金融機構。

Estate agents must not assure their clients on the amount of mortgage loan that they will be able to obtain, or make any guarantees on the mortgage terms. Practitioners should bear in mind that making misrepresentations is irresponsible and they should advise their clients to consult banks or financial institutions.

紀律研訊個案 Disciplinary hearing case

發出虛假或誤導性廣告

Issuing a false or misleading advertisement

引言

持牌人不可在物業廣告中使用不屬於該物業的照片，否則有機會因發出虛假或誤導性廣告而被監管局紀律處分。

Introduction

Licensees must not use photos which are not taken from the property being advertised in advertisements. Otherwise, they may be disciplined by the EAA for issuing a false or misleading advertisement.

事件經過

一名賣家委託一間地產代理公司放售其物業。後來，她在該地產代理公司的網站上發現自己物業的照片出現於另一物業的廣告內。

該賣家對於自己物業的照片被用作宣傳其他物業深感不滿，遂向監管局投訴該地產代理公司。

就監管局的調查，該地產代理公司表示已得悉事件，並已向涉事的地產代理作出警告，表示其公司一向設有監察措施以確保員工遵守監管局發出的要求及指引，亦會加強監督有關分行的運作以防類似事件再度發生。

Incident

A vendor appointed an estate agency company to sell a property she owned. Later, she found photos of her property being shown to advertise another property, which was not hers, on the website of the estate agency company.

Feeling discontent that her own property photos were being used to promote another property, she lodged a complaint against the estate agency company.

In replying to the EAA's enquiries during investigation, the estate agency company said that they had warned the relevant estate agent after the incident was brought to their attention. The company also said that it has monitoring measures to ensure the compliance of its staff to the requirements and guidelines issued by the EAA, the company assured that it would strengthen the supervision of the branch's operation so to avoid similar mistake from happening again.



研訊結果

監管局紀律委員會認為，該地產代理公司發出全部或部分與其地產代理業務有關並載有在要項上屬虛假或具誤導性陳述或詳情的廣告。因此，該公司違反了《地產代理常規（一般責任及香港住宅物業）規例》第9(1)條。

考慮到個案的性質、類似個案的罰則，以及該地產代理公司的違規紀錄，紀律委員會決定譴責該公司，並向其罰款40,000元。

Result

The EAA Disciplinary Committee was of the view that the estate agency company issued an advertisement wholly or partly relating to its estate agency business which includes any statement or particular that is false or misleading in a material particular. Hence, the company was in breach of section 9(1) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation.

Having considered the nature and gravity of the case, the sanctions for similar cases and the disciplinary record of the estate agency company, the Committee decided to reprimand it and impose a fine of \$40,000.



黃健基先生
香港地產代理商總會秘書長
Mr Andy Wong
Chief Secretary of Hong Kong Real Estate
Agencies General Association

業界意見 Comment from trade

個案中的地產代理公司除令賣家失去信任外，準買家亦會因在視察物業時發現與廣告不符而產生被騙感覺。這不但有損該公司商譽，亦有機會破壞交易，亦令客戶對地產代理行業失去信任。

The estate agency company lost the trust of the vendor. At the same time, the prospective purchaser will also feel cheated when he/she finds out that the property he/she inspects is not the same as the one advertised. This will undermine the reputation of the company as well as the possibility of a transaction, and will also make customers lose confidence in the estate agency trade.

反洗黑錢

為加深持牌人對反洗錢及反恐怖分子資金籌集（「反洗錢」）議題的認知，我們會在《專業天地》這個「反洗錢專區」為大家提供有關反洗錢的不同資訊及最新消息。

To enhance licensees' knowledge on the subject of anti-money laundering ("AML") and counter-terrorist financing ("CTF"), we will provide various information and updates about AML in the "AML Corner".



有關反洗錢及反恐怖分子資金籌集的新網上學習活動

New e-Learning Programme on Anti-Money Laundering and Counter Terrorist Financing

為加深持牌人對有關反洗錢及反恐怖分子資金籌集的規定的認識，監管局最近推出了一個題為「身分核實表格－執業通告－通告編號18-01 (CR)」的網上學習活動，讓持牌人能隨時隨地去充分理解如何妥善填寫身分核實表格以符合執業通告內所載的規定。

To deepen licensees' understanding of the requirements in relation to anti-money laundering and counter-terrorist financing, the EAA has recently launched a new e-Learning programme titled "Identity Verification Form – Practice Circular No. 18-01 (CR)" so that licensees can thoroughly understand at anytime and anywhere how to properly complete the Identity Verification Form for compliance with the requirements detailed in the practice circular.

在《專業天地》內，我們會解答持牌人的一些常見提問。

In *Horizons*, we will answer questions commonly asked by licensees.

問 有關二手住宅物業的樓面面積，地產代理必須在廣告內提供甚麼資料？

答 根據監管局發出的執業通告（編號 12-02 (CR)）第（4）段，倘若廣告內載有物業的樓面面積資料，而該物業的實用面積可從差餉物業估價署（「估價署」）或在土地註冊處註冊的首次轉讓的買賣協議（「首次協議」）中取得，則持牌人必須：

- (a) 在廣告內提供該物業的實用面積（即從估價署或首次協議取得的實用面積，視乎情況而定）；及
- (b) 在廣告內清楚述明所提供的樓面面積是該物業的實用面積。

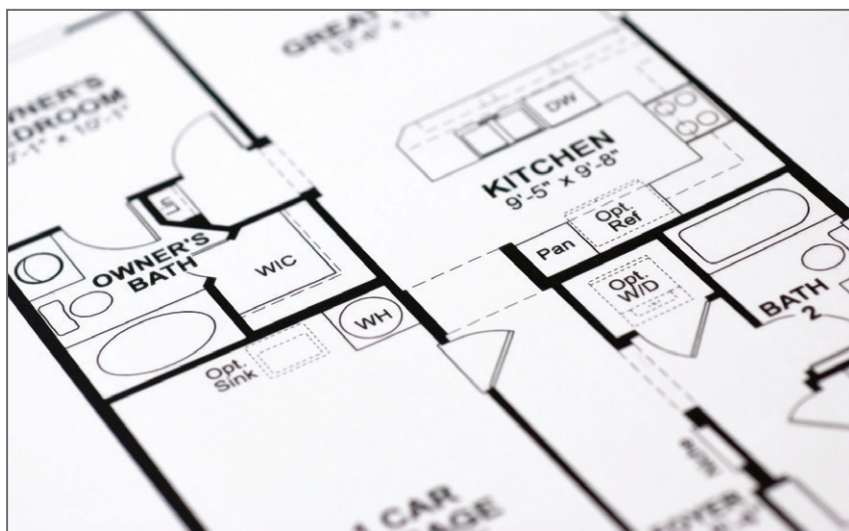
倘若該物業的實用面積不能從估價署或首次協議中取得，持牌人可在廣告內提供該物業的建築面積或該物業的其他樓面面積資料。雖然持牌人不一定要在廣告內提供該物業的建築面積及所提供的樓面面積的資料來源，然而，他們必須在監管局要求時出示證據，證明物業的建築面積或其他樓面面積的資料是從合理來源取得，或是基於恰當的根據下，才將該等資料載列在廣告內。

Q Regarding the floor area of a second-hand residential property, what information must an estate agent provide in the advertisement?

A According to paragraph (4) of the Practice Circular (No. 12-02 (CR)) issued by the EAA, if the floor area information of a property is included in an advertisement and the saleable area of the property can be obtained from either the Rating and Valuation Department ("RVD") or the agreement for sale and purchase of the first assignment of the property registered in the Land Registry ("first agreement"), then licensees must:

- (a) provide the saleable area of the property (obtained from the RVD or the first agreement, as the case may be) in the advertisement; and
- (b) clearly state in the advertisement that the floor area provided is the saleable area of the property.

If the saleable area of the property cannot be obtained from either the RVD or the first agreement, licensees may provide the gross floor area ("GFA") or other floor area information of the property in the advertisement. Although licensees are not obligated to provide the GFA of the property and the source of the floor area information in the advertisement, they must, upon the EAA's request, produce evidence to substantiate that the GFA or other floor area information of the property was obtained from a reasonable source or there was a proper basis upon which he could rely for including such information in the advertisement.





網上學習活動 e-Learning programmes

「網上學習活動」是監管局為持牌人免費提供以網上自學增進知識的持續專業進修活動之一。參加者可透過觀看課程影片，隨時隨地增加知識。為減低2019冠狀病毒在社區擴散的風險，監管局取消了三月至五月的持續專業進修大型講座，並推出了更多「網上學習活動」讓持牌人能透過網上遙距學習。

因此，監管局最近推出了五個新的網上學習活動，分別為：一個有關打擊洗黑錢及恐怖分子資金籌集、一個有關物業廣告、兩個有關妥當填寫臨時買賣合約及一個題為「聽君一席話・勝讀十年書」的網上學習活動。以上網上學習活動共吸引了約166人次參加。

隨著科技發展及網上學習不單在專業和學術界，更加於普羅大眾日漸普及，監管局會繼續提供更多網上學習活動協助持牌人不斷學習。

e-Learning programme is a form of Continuing Professional Development (CPD) activity offered by the EAA free of charge to the licensees for enriching their knowledge through online self-learning. Participants will watch a video-taped programme to enhance their knowledge at anytime and anywhere. As large scale CPD seminars scheduled for March to May 2020 were cancelled to reduce the risk of the spread of COVID-19 in the community, the EAA has been developing more e-Learning programmes for licensees' remote studies.

As such, five new e-Learning programmes, namely one on anti-money laundering and counter-terrorist financing, one on property advertisements, two on proper completion of provisional agreement for sale and purchase and one titled "Top Tips by Elites", were launched by the EAA recently. These new e-Learning programmes attracted about 166 enrolments so far.

In light of the prevalent trends of technological advancement and growing popularity of online learning not only among professionals and academia, but also within the community at large, more e-Learning programmes will be developed by the EAA to facilitate licensees' continuous learning.

監管局近期推出之持續專業進修計劃網上學習活動

Recently launched EAA's CPD e-Learning programmes

「網上學習活動」設於監管局「電子服務」版面之內。持牌人必須先註冊「電子服務」，然後登入「電子服務」，便可參加「網上學習活動」。

e-Learning programmes can be accessed after logging in to the EAA's "e-Services" platform. To log in, a licensee must first create an "e-Services" account.

課程名稱	語言	類別	課程內容	推出日期
一般臨時買賣合約條款	粵語	合規及有效管理	<ul style="list-style-type: none"> 主要講解臨約內的合約方、成交要項、訂金託管、產權負擔、違約條文、佣金賠償、物業狀況和有關物業印花稅等條款 相關執業通告 	15/05/2020
處理臨時買賣合約內物業交易資料的重點	粵語		<ul style="list-style-type: none"> 簡介處理物業交易資料的重點及相關執業通告 	

其他活動

Other activities

個人資料私隱專員公署主辦

日期	時間	語言	課程名稱	課程費用
04/08/2020	14:15 - 16:15	粵語	私隱管理系統	\$750
07/08/2020	14:15 - 15:45	粵語	數據道德專業研習班	\$375

查詢電郵：training@pcpd.org.hk
查詢電話：2877 7130

平等機會委員會主辦

Organised by Equal Opportunities Commission

日期 Date	時間 Time	語言 Language	課程名稱 Course Name	課程費用 Course Fee
03/07/2020	14:30-17:00	English	Understanding the Unlawful Harassment under the Anti-discrimination Ordinances (Online)	Free of charge
14/07/2020	14:30-17:30	粵語	預防及處理工作間性騷擾	\$790

查詢電話 Enquiries: 2106 2155

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監管局行政總裁韓婉萍女士（左）接受 Now TV 節目《樓市每日睇》訪問，提及監管局及政府分別為個人持牌人提供的資助，以及局方的規管工作。

EAA Chief Executive Officer Ms Ruby Hon (left) attends an interview by Now TV. She talks about the subsidies provided respectively by the EAA and the Government to individual licensees, as well as the regulatory work of the EAA.



06
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監管局執行總監陳汝倣先生接受有線電視直播節目《港樓論市》訪問，談及有關香港境外物業的投訴，以及購買境外物業時要注意的要點。

EAA Director of Operations Mr UK Chan attends an interview in a live program of Cable TV. He talks about the complaints regarding properties situated outside Hong Kong and the points-to-note when purchasing non-local properties.

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05
2020

監管局行政總裁韓婉萍女士再度接受無綫電視節目《日日有樓睇》訪問，向觀眾分享一些較常見的紀律研訊個案。

EAA Chief Executive Officer Ms Ruby Hon attends the second series interview of TVB program "A Property A Day". Ms Hon shared with the audience on several typical inquiry hearing cases.



08/2002

監管局舉行資格考試優異生頒獎典禮，嘉許在資格考試中考獲優異成績的考生。

The EAA held an Awards Presentation Ceremony to honour candidates who passed the Qualifying Examinations with commendation.



06/2012

監管局行政部門在業界季度聯絡會議上向地產代理業界商會代表講解有關提供二手住宅物業面積的執業通告的細節。

The EAA Administration explained the details of the practice circular on providing the floor area information of second-hand residential property at the quarterly trade liaison meeting.



06/2013

監管局舉辦專業論壇，探討地產代理專業發展的路向。

The EAA held a professional forum to explore the direction of the professional development of estate agents.







考試 Examinations

營業員資格考試 (電腦應考模式) Salespersons Qualifying Examination (Computer-based)	
5/2020	
參加人數 No. of candidates 133	合格率 Pass rate 21.1%
6/2020	
參加人數 No. of candidates 105	合格率 Pass rate 29.5%





牌照數目 截至2020年5月31日

Number of licences (As at 31/5/2020)

	營業員牌照 Salesperson's Licence	21,333
	地產代理(個人)牌照 Estate Agent's Licence (Individual)	18,222
	個人牌照總和 Total no. of Individual Licences	39,555
	地產代理(公司)牌照 Estate Agent's Licence (Company)	3,827

營業詳情說明書 (截至2020年5月31日)

Number of statements of particulars of business (As at 31/5/2020)

	合夥經營 Partnerships	164
	獨資經營 Sole proprietorships	1,548
	有限公司 Limited companies	5,258
	總數 Total	6,970

開立的投訴 (2020年1月至5月)

Number of complaint cases opened
(January to May 2020)

107

已處理的投訴個案結果* (2020年1月至5月)

Results of completed complaint cases*

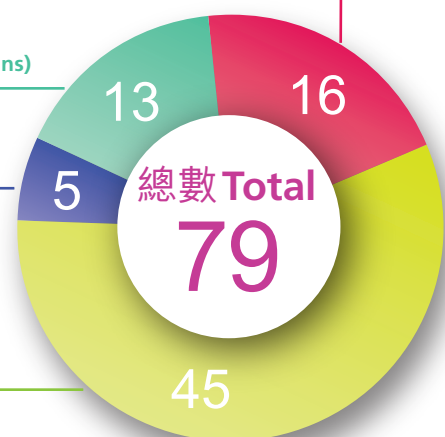
(January to May 2020)

其他(例如投訴人撤回投訴或因其他原因而終止調查)
Others (include cases withdrawn or closed because of other reasons)

資料不足
Insufficient information to pursue

指稱不成立
Unsubstantiated

指稱成立
Substantiated



* 部分是往年接獲的個案
Some cases were carried over from previous years

巡查次數 (2020年1月至5月)

Number of compliance inspections

(January to May 2020)



巡查發現主動調查的個案 (2020年1月至5月)

Number of cases arising from self-initiated investigations during inspections (January to May 2020)

主動調查的個案

Cases arising from self-initiated investigations

72

主動調查而指稱成立的個案*

Cases completed from self-initiated investigations and were substantiated*

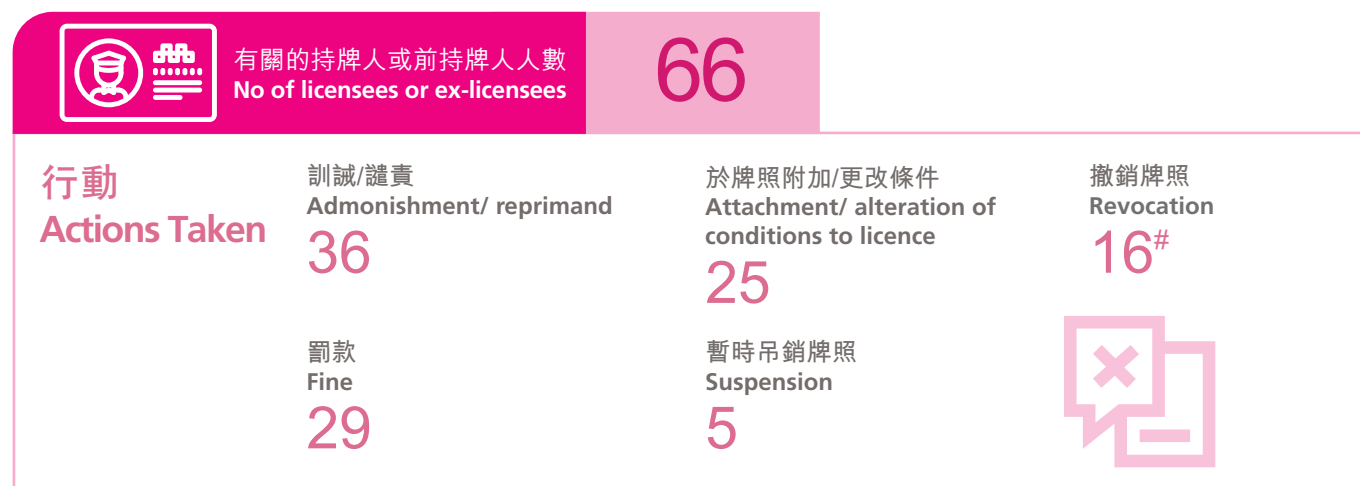
9

* 部分是往年展開調查的個案

Some cases were carried over from previous years

向持牌人或前持牌人採取的行動* (2020年1月至5月)

Actions taken against licensees or ex-licensees* (January to May 2020)



* 向持牌人或前持牌人作出的行動是根據《地產代理條例》而作出的判決，當中有部份可能屬於紀律性質，包括在發牌時或在其他情況下於牌照上附加條件。

* These actions were taken pursuant to powers under the Estate Agents Ordinance. Some actions may be disciplinary in nature and others not, and they include the attachment of conditions to licences whether upon issuance or otherwise.

這些個案由牌照委員會裁定。理由是持牌人不再符合相關發牌條件。

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



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ESTATE AGENTS AUTHORITY

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