

地產代理監管局
ESTATE AGENTS AUTHORITY

專業地 HORIZONS

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正面積極齊抗疫

Let's fight against the
pandemic with positivity



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韓婉萍
Ruby Hon Yuen-ping

行政總裁
Chief Executive Officer

“局方不時檢視及調整資格考試的內容，從而強化入門水平，以配合市場變化、社會期望及提升行業的質素及形象。”

“In order to keep pace with market changes and rising public expectations, and to improve the quality and image of the estate agency industry, the EAA reviews and adjusts the content of its qualifying examinations from time to time to raise the level of entrants.”

考取牌照並不輕易 Getting a licence is not easy

監管局負責規管香港地產代理的發牌及執業，故局方十分重視作為行業把關者的角色，當中的重要工作包括舉辦資格考試，因為它是地產代理入行的一個重要門檻。

局方不時檢視及調整資格考試的內容，從而強化入門水平，以配合市場變化、社會期望及提升行業的質素及形象。因此，要在資格考試考取合格成績，一向並不容易，而事實上過去的合格率也一向不高。因此，業內會有一些所謂「精讀班」或「天書」，務求讓考生在參加考試前有充份準備。但同時間，亦有人會鋌而走險，試圖以欺騙方式取得考試合格，2017 年就曾發生一宗資格考試集體作弊案，警方一舉拘捕多人。

該次作弊事件，不但令局方及社會大眾感到震驚，亦令行業形象大打折扣。到了去年，法庭對該案件作出裁決，所有被起訴的涉案人士全部被定罪，部分更被判入獄。

由於案件性質極為嚴重，局方非常重視，在案發後已即時修改資格考試的規則及報考限制，並加強在考試進行期間的監察，以防止再有類似事件發生。為了加強阻嚇力，監管局的執業及考試委員會在剛舉行的會議中決定，這些在考試中作弊被定罪的人士，不但該次考試結果無效，他們在被法庭定罪起兩年內，一律不可以再參加監管局的所有資格考試，以儆效尤。

筆者希望在此再次提醒準備參加資格考試的考生，必須守法自重，切勿在考試中作弊，除有機會被取消考試資格外，甚至有可能觸犯刑事罪行，留有案底影響前途，亦可能無法加入地產代理行業。而本身持有牌照的各位從業員，就更應好好珍惜手中的牌照，因為要重新考取牌照，一點也不輕易。

The EAA is responsible for regulating the licensing and practice of estate agents in Hong Kong. As such, it attaches great importance to its role of gatekeeper to the industry. One of its most important tasks is administering the qualifying examinations, as it is the threshold for entry into the estate agency business.

In order to keep pace with market changes and rising public expectations, and to improve the quality and image of the estate agency industry, the EAA reviews and adjusts the content of its qualifying examinations from time to time to raise the level of entrants. Hence, it is not easy to pass the qualifying examinations and, as a matter of fact, the pass rate in the past has always not been high. As a result, there are some so-called “intensive classes” or “guidebooks” in the market to help candidates fully prepare for the examinations. However, at the same time, some people may try to pass the examinations by deception. In 2017, the police arrested a number of people for cheating in the qualifying examinations.

The cheating incident not only shocked the EAA and the general public, but also greatly tarnished the image of the industry. Last year, the court ruled on the case. All the arrestees prosecuted were convicted and some were sentenced to imprisonment.

Because of the serious nature of the case, the EAA immediately revised the qualifying examination rules and registration restrictions after the incident. At the same time, the EAA also increased its monitoring during the examinations to prevent similar incidents from happening again. To strengthen the deterrent effect, the Practice and Examination Committee of the EAA decided at a recent meeting that those who were convicted of cheating in this case would be disqualified from the relevant examination, and were also barred from retaking any qualifying examinations of the EAA within two years from the date their conviction by the court.

Here, I would like to remind examination candidates once and again that they must abide by the law and not cheat. Otherwise, in addition to being disqualified from the examination, they may also be committing a criminal offence which will affect their future and bar them from joining the estate agency industry. All practitioners holding a licence should cherish it more, as it is no longer easy to obtain a new licence.



正面積極齊抗疫 Let's fight against the pandemic with positivity

2019 冠狀病毒病在香港所錄得的確診數字不斷上升，為減低受傳染的機會，市民都減少外出社交活動，以至各行各業生意均大受打擊，尤其是服務行業。地產代理業作為服務行業之一，難免也受到影響。在逆境下，監管局希望鼓勵從業員保持正面積極的心態，同時保持強健體魄，並把握時間持續進修提升個人實力，寄望待疫情過後樓市復甦，業務重上軌道。

The number of confirmed cases of Coronavirus disease 2019 (COVID-19) in Hong Kong has been gradually increasing. The business among different industries, especially the service industry, are seriously affected as people avoid going out in order to minimise the risk of being infected. The estate agency industry, being one of the service sectors, is inevitably affected. Under this adverse situation, the EAA would like to encourage practitioners to stay positive and healthy. Hoping that the property market will soon recover and everything gets back on track after the pandemic, the EAA also encourages practitioners to equip themselves at this moment through continuous learning.

注意店舖及個人衛生 Maintain good hygiene and keep shops clean

為減低感染的風險，大家必須時刻保持個人、店舖及辦公室的衛生。店舖是從業員與客戶接觸的主要地點，除保持日常清潔外，須不時以 1:99 稀釋的漂白水消毒，尤其要留意門柄、桌面、電腦、文具等雙手經常接觸的地方。另外，員工之間應保持足夠的距離，盡量減少聚會及共膳，並善用網上資源進行會議等等。

To avoid coronavirus infection, we must always maintain good hygiene for ourselves as well as keeping our shops and offices clean, as estate agency shops are where practitioners usually meet their clients. In addition to regular cleaning, we should also frequently sterilise the shop with 1:99 diluted bleach. The most touched surfaces, such as doorknobs, desktops, computers and stationery need more frequent attention. In addition, staff should keep sufficient distance between themselves and minimise gatherings or having meals together. They may also utilise online resources to conduct video conferences among colleagues.

個人方面，除要做足戴口罩、勤洗手、避免揉眼及口鼻等基本預防措施外，回家後應立即更換衣物及徹底清潔雙手，並以消毒噴霧清潔鞋底、背包、手錶及手機等。此外，要養成均衡飲食、早睡早起的生活習慣，保持心境開朗。如果出現焦慮不安的情緒，不妨在家中做一些帶氧運動，有助減壓，保持身心健康。



As for personal hygiene, as well as the basic precautionary measures such as wearing face masks, handwashing frequently, avoiding rubbing eyes and mouth, we should also immediately change our clothes and wash our hands thoroughly, use spray steriliser to clean our shoes and personal belongings, such as bags, watches and mobile phones after returning home. In addition,

maintaining a balanced diet, developing a regular sleeping habit and staying optimistic are also good for health. You could try doing some cardio exercises at home if you feel anxious as it will help reduce stress and keep you healthy physically and mentally.

分享資源及提供資助

Sharing resources and providing subsidy

一些地產代理公司，會在店內提供消毒用品予客戶使用，另一方面，也有地產代理公司透過慈善團體或自行向市民捐出口罩。業界能於這時候向他們的社區及弱勢社群伸出援手，他們的行善精神，確實令人敬佩及值得學習。

Some estate agency companies have provided sterilising products for clients while some have donated masks to the public through charities or by themselves. It is good to see that the trade is offering a helping hand to their neighbourhoods and those in need under such a critical situation. They set an admirable role model with their kindness.

而監管局明白業界經營困難，在經過與各大商會代表詳細討論並獲支持、以及在董事局的批准後，局方早前已宣布會給予持牌人一筆過500元的專業資助，藉此希望持牌人能在逆市中提高專業或改善服務，令行業更健康發展。

At the same time, the EAA understands the difficulties the trade encounters. The EAA had earlier announced that after detailed discussion with and support by major trade representatives and approved by the Board, the EAA is going to provide a one-off professional development subsidy of \$500 to licensees. The subsidy is aimed at a healthy development of the industry by assisting licensees to enhance their professional standard or to improve their service under the current economic trough.

合資格獲取資助的持牌人包括：

- 於2020年3月31日仍持有有效個人牌照（即地產代理（個人）牌照或營業員牌照）的人士
- 於2020年3月31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）申請並最遲於2021年3月31日獲批給牌照的人士

Eligible recipients of the subsidy are:

- Individual licensees holding a valid licence (i.e. estate agent's (individual) or salesperson's) as at 31 March 2020;
- Individuals who have submitted an application for a licence (i.e. estate agent's (individual) or salesperson's) on or before 31 March 2020 and whose licence is approved latest by 31 March 2021.

專題報道

Cover Story

持牌人請注意，該筆資助毋須申請，有關資助將會按其牌照號碼的先後順序，以本票形式分批郵寄至合資格的個人持牌人登記冊上的註冊地址。局方預計，首批合資格持牌人將於 2020 年 4 月 30 日或之前收到該筆資助，而最後一批將於 2020 年 7 月 31 日前收到。而為減低發放本票時的郵誤風險，持牌人應於 2020 年 3 月 31 日前透過監管局的電子服務更新其「登記地址」，以確保其郵寄地址正確無誤。

Licensees should note that there is no need to apply for the subsidy. The subsidy will be released to eligible individual licensees by cashier's order to their registered addresses as shown on the Register through ordinary mail by batches according to the numerical order (ascending) of their licence numbers. The first batch of eligible licensees is expected to receive the Subsidy on or before 30 April 2020 while the last batch of applicants will receive the Subsidy on or before 31 July 2020. To reduce the risk of mail loss, licensees are advised to update their "Registered Address" via the EAA's e-Services by 31 March 2020 if necessary to ensure that the mailing address is accurate.

因應疫情之特別安排

Special arrangements under the pandemic

另外，為減低 2019 冠狀病毒在社區擴散的風險，監管局辦事處採取了一系列應變措施，包括建議牌照申請人以郵寄方式遞交其申請，及在辦公時間內僅處理已預約之牌照申請服務。牌照申請人可透過局方的網上預約系統登記，並於指定的預約時段內前往辦事處辦理其牌照申請手續並請在辦事處範圍內帶上口罩。至於付款方式亦作出調整，只接受支票或易辦事繳付牌照費，現金恕不接受。

In order to reduce the risk of the spread of COVID-19 in the community, the EAA office has implemented a series of measures, including advising licence applicants to submit their applications by post and the office will only handle licence applications with prior appointment during normal office hours. Licence applicants should make their appointment through the EAA online booking system and then come to the EAA office at the booked timeslots on time. They will be requested to wear mask in the EAA's office. Also, there has been an adjustment on the payment method as we will only accept cheques or EPS for licence fee payment. Cash will not be accepted.

持牌人敬請留意，上述安排會因應疫情發展而隨時作出更改，以監管局網頁的最新公布為準。

Licensees should note that the aforementioned arrangements will be further adjusted depending on the development of the pandemic. The latest announcement on the EAA website shall prevail.

受疫情所影響，原定於 2020 年 2 月份及 3 月份舉行的資格考試均已取消，相關的延期安排會作另行通知。

In light of the pandemic, all qualifying examinations scheduled for February and March have been cancelled. Individual candidates have been informed of the arrangements of examination postponement.

同時，近期舉行的持續專業進修講座時間已作修改，持牌人請留意監管局網站持續專業進修計劃欄目公布的最新消息。

Meanwhile, the schedule of recent Continuing Professional Development ("CPD") seminars have been adjusted. Licensees are advised to pay attention to the latest news announced under the CPD Scheme on the EAA's website.

以上安排或會對持牌人及考生造成不便，希望大家理解及體諒。所有特別安排將視乎疫情發展而有所更改，局方會盡快向公眾公布，大家請多加留意局方網頁上的最新消息。

The above arrangements may cause inconvenience to licensees and candidates and we appreciate your kind understanding. Depending on the development of the pandemic, the special arrangements may be adjusted and the EAA will continue to keep a close watch and will announce to the public any further changes to its services. Please stay tuned to the latest announcements on the EAA's website.

人生有起有落，過去香港社會亦曾面對大大小小的逆境，每次都能安然渡過。只要懷著信心、保持正面積極的心態，定能克服逆境，迎接美好的明天！

There are ups and downs in life. Hong Kong has experienced some hard times in the past but we were able to overcome them. Stay positive and remain confident, we shall get through the adversities and welcome a bright future!

監管局回顧 2019 年工作及簡介 2020 年工作重點

The EAA reviews its work in 2019 and introduces its initiatives for 2020

監管局於 2020 年 1 月 21 日舉行新聞發布會，由主席梁永祥教授 SBS 太平紳士及行政總裁韓婉萍女士回顧監管局在 2019 年的工作，並簡介 2020 年的工作重點。

梁教授指出監管局於 2019 年共接獲 299 宗投訴個案，較 2018 年減少 2%。當中最常見的投訴性質包括：不妥善處理臨時買賣合約（或臨時租約）、發出違規廣告、未有與客戶訂立或解釋《地產代理協議》以及提供不準確或具誤導性的物業資料。

踏入 2020 年，監管局將繼續就購買香港境外物業的議題教育公眾，並將於 2020 年 3 月再舉行公開講座。另外，局方早前為鼓勵地產代理服務社區而推出的「區區有『理』- 社區服務建議比賽」，得到業界踴躍參加，八個入圍隊伍將落實執行服務計劃作終審評選，賽果將於今年稍後公布。

另一方面，監管局將繼續教育及鼓勵從業員成為「5A 代理」，做到不單遵守法規，同時為客戶提供優質服務的專業代理，以提升業界在大眾眼中的專業形象。

有關新聞發布會的詳細內容，請到監管局網站閱覽相關的新聞稿。

The EAA held a press conference on 21 January 2020 at which its Chairman, Professor William Leung Wing-cheung, SBS, JP, and Chief Executive Officer, Ms Ruby Hon Yuen-ping, reviewed the EAA's work in 2019 and introduced its initiatives for 2020.

Professor Leung pointed out that the EAA received a total of 299 complaints in 2019, a decrease of 2% compared to 2018. The common complaint categories included mishandling provisional agreement for sale and purchase (or provisional tenancy agreement), issuing non-compliant advertisements, failing to enter into an estate agency agreement with clients or to explain the agreement to clients, and providing inaccurate or misleading property information.

Stepping into 2020, the EAA will continue its efforts in educating the public about purchasing properties outside Hong Kong and a public seminar on the subject will be held again in March 2020. Besides, the Estate Agents Community Service Proposal Competition launched earlier with the aim to encourage estate agents to serve their communities received positive responses and the eight shortlisted teams will implement their community service proposals for the Final Judging Panel to adjudicate and announce the winners later this year.



監管局主席梁永祥教授 SBS 太平紳士及行政總裁韓婉萍女士於新聞發布會上回顧局方在 2019 年的工作，並簡介 2020 年的工作重點。
EAA Chairman Professor William Leung Wing-cheung, SBS, JP and Chief Executive Officer Ms Ruby Hon Yuen-ping review the EAA's work in 2019 and introduce its initiatives for 2020 at the press conference.

The EAA will also continue to attach great importance to educate and encourage the trade to become "5A estate agents", who do not only comply with the law but also provide a "5A" service to consumers, so that the professional image of the trade could be enhanced in the eyes of the public.

For more details of the press conference, please read the related press release at the EAA's website.

新聞速遞 News Express

新一輪「5A 代理」宣傳計劃 A new wave of “5A Agent” promotion



監管局於 2019 年初首度推出「5A 代理」宣傳計劃，推廣專業地產代理應具備的「5A」卓越特質，包括「言出必行」(Adherence)、「言之有物」(Ability)、「言而有信」(Accountability)、「與時並進」(Advancement) 及「與客同行」(Affinity)。

是次宣傳計劃得到公眾和業界的認同並獲 ARELLO 頒發教育獎。為了繼續向公眾推廣業界的專業形象，監管局在 2020 年一月至三月期間推出新一輪的宣傳，在超過 100 輛在全港行駛的巴士車身印上「5A 代理」的廣告。

In early 2019, the EAA first rolled out the “5A Agent” publicity campaign to introduce the “5A” excellent qualities of the professional estate agents should attain. These qualities including “Adherence”, “Ability”, “Accountability”, “Advancement” and “Affinity”.

The campaign was well-recognised by the mass public and the trade. It has been awarded the education award by ARELLO. To keep the momentum of promoting the trade’s professional image, the EAA launched a new wave of promotion in January to March 2020. Advertisement about the “5A Agent” was placed on over 100 public bus fleets travelling in the territory.

監管局亦製作了一系列的相關宣傳品予業界，並已在一月派發到所有地產代理商舖，以鼓勵公眾委託具備「5A」特質的專業持牌地產代理。宣傳品包括雙面櫥窗貼紙、A6 尺寸貼紙及座枱卡。這些宣傳品旨在提升持牌人的意識，時刻緊記秉持專業，同時向其客戶展示業界的正面形象。座枱卡的背面更印有額外訊息，以協助地產代理為符合《打擊洗黑錢及恐怖分子資金籌集條例》的要求而向客戶收取身份證明文件副本作備存紀錄。



The EAA also produced a new set of promotional materials for the trade, including a double-side window sticker, A6 stickers and table tent cards with eye-catching message which encourages the public to appoint professional licensed estate agents with “5A” qualities. The materials were distributed to all estate agency shops in January 2020. They aimed to help enhance licensees’ awareness of being professional at all times and project the positive image of the trade to their customers. The table tent card also carries an additional message to facilitate the estate agents to obtain a copy of their clients’ identity document for record-keeping in order to

comply with the requirement of Anti-money Laundering and Count-terrorist Financing Ordinance.



監管局有關購買境外物業的新小冊子 EAA's new booklet on purchasing non-local properties

為提醒大眾購買境外物業時須注意的要點，監管局推出名為《境外置業要「究」SMART》的全新小冊子。

新小冊子介紹在決定購買境外物業前應考慮的重要因素，並透過漫畫形式分享一些個案，讓讀者更易於理解。

小冊子的網上版本已上載至監管局網頁（「資訊中心」>「刊物」）及監管局消費者教育網站 (smart.eaa.org.hk)；印刷版則可於監管局辦事處及民政事務總署轄下的各區民政諮詢中心索取。

In order to alert the public on the points-to-note when purchasing non-local properties, the EAA has published a new booklet titled “Purchasing Non-local Properties Be SMART”.

The new booklet introduces the essential factors to be considered before making a purchase decision of non-local properties with cases sharing in the comics style for easier understanding.



The online version of the booklet has been posted on the EAA’s website (“Information Centre” > “Publications”) and the EAA’s consumer website (smart.eaa.org.hk), while printed copies are available at the office of the EAA and all Home Affairs Enquiry Centres of the Home Affairs Department.



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Member, White Paper Advisory Council, Private Wealth Management Association
融幼社董事局成員
Board Member, Pathfinders

監管局成員戴敏娜女士 Ms Meena Datwani, Member of the EAA

本期《專業天地》專訪了監管局成員戴敏娜女士，與各位持牌人分享她的觀點。

In this issue of *Horizons*, we interview Ms Meena Datwani, member of the EAA, to share her views with licensees.

問：在2018年加入監管局董事局之前，你對地產代理行業有何看法？你現在看法又是如何呢？

答：我在大約一年多前加入監管局，之前一直誤以為所有人都可以隨意地加入地產代理行業，任何找不到工作的人都可以做地產代理賺快錢然後離開。其實地產代理行業是受到監管的，入行人士要考試合格符合發牌要求，受到操守守則所約束，並有持續的專業培訓提升行業水平，近來更要遵守反洗錢條例的要求。我必須說，監管局在主席的領導下、輔以行政總裁及稱職的管理團隊，將把關工作做得很好，透過確保地產代理行事適當，提高行業聲譽並為消費者提供保障。當然總會有改進的空間，特別是有關遵循反洗錢條例要求方面。正如我所見，監管局一直意識到有必要提高行業的專業和道德標準，以贏取香港人的信任。

Q: Before you joined the EAA Board in 2018, what were your perceptions of the estate agency business? What are your views now?

A: Before I joined the EAA a little over a year ago I was under the misapprehension that the estate agency business is a free for all. That anyone who could not find a job could work as an estate agent and make a quick buck and leave. In fact the estate agency business is a well regulated business with licensing requirements requiring applicants to pass examinations, governed by conduct rules and standards and that ongoing professional training courses are being offered to raise the standards of the trade. More recently, estate agents have been subject to requirements under the Anti-Money Laundering Ordinance (AMLO). I must say that the EAA led by the Chairman and supported by the CEO and a competent management team are doing a great job in gatekeeping by ensuring the fitness and properness of estate agents in order to enhance the reputation of the trade as well as to afford protection to consumers. Obviously there is always room for improvement particularly in meeting the new requirements under AMLO. As I see it the EAA is ever conscious of the need to scale new heights to enhance the professional and ethical standards of the trade to win the confidence of the people of Hong Kong.

問：你覺得監管局哪一個委員會的工作最具挑戰性？你想為其注入甚麼貢獻？

答：我是紀律委員會和執業及考試委員會的成員。鑑於我的法律背景，加上我在金管局退休前負責執法部門多年，我對紀律委員會的工作特別感興趣。現時的規管者較注重監管前線，這是有意義的，因為無論監管過程有多出色都須以有效的執法為基礎。監管局設有有效的機制調查違規行為和處理投訴，採取有效執法，並公開紀律研訊結果，具有阻嚇力。

執業及考試委員會也是一個非常重要的委員會。其職責包括制定和更新操守守則、執業通告以及有關地產代理執業的指引，並監察行業對地產代理條例及這些指引的遵守情況。

我最初面對的挑戰，是我對監管局的工作並不熟悉。因此，我需要學習有關業界的規管，但鑑於我的規管工作背景，加上監管局管理團隊和同事們的支持，所以也不難掌握。

問：你在金融界別經驗豐富，並對反洗錢擁有深厚知識。你可以就此議題向業界分享一些建議嗎？

答：我過去在金管局擔任反洗錢監督工作的主管，所以我對反洗錢條例十分熟悉。2018年3月，地產代理作為其中一個指定非金融企業及行業被納入該條例，地產代理條例也因而作出了相應的修改，以使任何違反反洗錢條例的行為都會被紀律處分，例如暫時吊銷或撤銷牌照。作為反洗錢條例下的相關機構，監管局發出了一份執業通告，規定了有關反洗錢和反恐怖分子資金籌集的準則，包括進行客戶盡職審查、風險評估、對客戶進行持續監察、備存記錄、舉報可疑交易和員工培訓等。

對於地產代理來說，接受新法例並遵守其要求及指引至為重要，這樣才可免於觸犯法例。這也會令公眾更有信心，並提高行業聲譽。為了維持香港辛苦經營得來、作為一個符合國際反洗錢及反恐怖分子資金籌集標準的司法管轄區的地位，包括地產代理在內的所有人都必須繼續致力這方面的工作。

Q: Which EAA committee's work do you find the most challenging and what would you like to contribute to its work?

A: I am a member of the Disciplinary Committee (DC) and the Practice and Examination Committee (PEC). I am particularly interested in the work of the DC given my legal background and as I served as Head of Enforcement for a number of years before I retired from the HKMA. Regulators now like to focus on front loaded supervision which makes sense as no matter how good the supervisory process, it has to be underpinned by effective enforcement. The EAA has an effective mechanism for investigating breaches of conduct and handling complaints and taking effective enforcement action and its disciplinary findings are publicised and therefore serve as a deterrence.

The PEC is also a very important Committee. Its responsibilities include drawing up and updating code of ethics, practice circulars and guidelines governing the conduct and practice of the estate agency trade. It also functions to monitor the compliance of the EAO and these codes, circulars and guidelines by the trade.

My challenge in the beginning was that I was not familiar with the work of the EAA so I had to learn about the requirements governing the trade but given my background as a regulator it was not difficult to pick this up particularly as I had support from the management team and my colleagues at the EAA.

Q: You are very experienced in the financial sector and have strong knowledge in the area of anti-money laundering (AML). Could you share some advice for the trade on this subject?

A: One of my other roles in the HKMA was the head of AML supervision so I am familiar with the AMLO. In March 2018 estate agents as one of the designated non-financial businesses and professions were brought into the statutory regime under the Ordinance. Consequential amendments were made to the EAO so that any contravention of AMLO could trigger disciplinary actions such as suspension or revocation of licence. As a relevant authority under AMLO, the EAA issued a practice circular setting out guidelines on anti-money laundering and counter terrorist financing (CTF) requirements including conducting customer due diligence and performing risk assessment and maintaining continuous monitoring of customers, record keeping and reporting of suspicious transactions and staff training.

It is very important for estate agents as gatekeepers to embrace the new regime and comply with statutory requirements and guidelines in order not to fall foul of regulatory requirements. This will attract public confidence and enhance the reputation of the trade. Combatting money laundering and terrorist financing is incumbent upon all, including estate agents in order to maintain the hard earned status of Hong Kong as a jurisdiction that is compliant in meeting international AML/CTF standards.

誠信與你

Integrity in Focus

紀律研訊個案 Disciplinary hearing case

有關安排訂金託管的失實陳述

Misrepresentation on the stakeholding arrangement for the deposit

引言

持牌人在執業期間不可向客戶作出任何失實陳述，當中包括不得向客戶提供關於付款安排的錯誤資訊，否則有機會被監管局紀律處分。

Introduction

Licensees must not make any misrepresentation to their clients in the course of their practice, including that, they must not provide clients with any inaccurate information on the payment arrangement. Otherwise, they may be disciplined by the EAA.

事件經過

一名地產代理向一對夫婦介紹一個位於香港境外的未建成物業。在簽署預訂表格以購買該項目其中一個單位前，該地產代理告訴他們所支付的首期訂金會由律師託管或以信託形式保管，而正式買賣合約中將有條款訂明上述安排。該地產代理更向他們保證，倘若物業最終未能竣工，可要求律師退回訂金。

Incident

An estate agent introduced an uncompleted property situated outside Hong Kong to a couple. Before they signed the reservation form for purchasing a unit of the development, the estate agent told them the initial deposit they paid would be stakeheld by the solicitor or held in trust, and such arrangement would be stipulated in the formal agreement for sale and purchase. The estate agent further assured them that if the property failed to be completed, they could request a refund of the deposit from the solicitor.

然而，該對夫婦其後獲賣方律師證實，買賣合約上並沒有訂明有關訂金託管的安排，有關訂金將會直接交付賣方。兩人最終決定取消交易，並向監管局作出投訴。



However, the couple later verified the information with the vendor's solicitor and found out that there was no provision in the agreement for sale and purchase regarding the stakeholding arrangement for the deposit. The deposit would be paid to the vendor directly. The couple cancelled the deal and lodged a complaint to the EAA.

研訊結果

監管局紀律委員會認為，該地產代理向該對夫婦就訂金託管安排作出失實陳述，違反了《操守守則》第 3.7.2 段，即「地產代理和營業員應避免做出可能令地產代理行業信譽及 / 或名聲受損的行為」。

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 5,000 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 6 個學分。

Result

The EAA Disciplinary Committee was of the view that the estate agent made a misrepresentation on the stakeholding arrangement of the deposit to the couple, hence in breach of paragraph 3.7.2 of the *Code of Ethics*, which stipulates: “estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade.”

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 \$5,000 and attach a condition to his licence, requiring him to obtain six points under the EAA’s Continuing Professional Development Scheme in 12 months.



周業德先生
地產代理（從業員）總公會副主席
Mr Chou Yip-tak
Vice-Chairman of
Estate Agent Association

業界意見 Comment from trade

地產代理向客戶提供有關訂金託管的資訊前，必須與發展商核實清楚相關條款，切勿輕率向客戶作出任何保證。倘若因失實陳述而留下違規紀錄，不但失去客戶信任，亦有損從業員的聲譽。

Before informing clients about the stakeholding arrangement of the deposit, estate agents must verify the relevant terms with the developer and must not hastily make any assurance to clients. In case the practitioner is disciplined due to misrepresentation, his disciplinary record will cost him his client's trust and his own reputation.

誠信與你

Integrity in Focus

未有確定泊車位有否使用限制

Failure to ascertain whether there is any restriction on the use of a car parking space

引言

在處理泊車位的買賣時，持牌人應確定該泊車位有否任何使用上的限制，並於訂立任何買賣合約前告知買方，否則有機會被監管局紀律處分。

Introduction

Licensees are required to ascertain whether there is any restriction on the use of a car parking space and if so, inform the purchaser before arranging for the purchaser to enter into any agreement for sale and purchase. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名持牌營業員知悉其客戶欲購買一個私人屋苑的泊車位作出租用途，於是該營業員向該客戶介紹某私人屋苑的一個泊車位。於簽署臨時買賣合約前，客戶向營業員重申，購買該泊車位的目的為出租予非該屋苑的住客，而營業員當時並沒有向其提及有關該泊車位的任何使用限制。

其後，該客戶透過其律師知悉，她所購買的泊車位是有使用限制的。根據大廈公契，有關車位只供該私人屋苑的住客及其訪客使用，因此，她不能出租該泊車位予非該屋苑的住客使用，否則便會違反大廈公契。客戶覺得被該營業員誤導，遂向監管局作出投訴。

Incident

A salesperson was aware that a client would like to purchase a car parking space of a private housing estate for leasing out purpose and introduced a car parking space of a private housing estate to the client. Before signing the provisional agreement for sale and purchase (PASP), the client reiterated that her purpose of purchasing the car parking space was to rent it to non-residents of that private housing estate. At that time, the salesperson did not mention to her whether there was any restriction on the use of the car parking space which he introduced to her.

Later, the client was informed by her solicitor that according to the Deed of Mutual Covenant (DMC), the use of the car parking space she purchased was limited to the residents of that private housing estate

and their bona fide visitors only. Hence, she could not rent the car parking space to non-residents of that private housing estate as it would be in breach of the DMC. Feeling misled by the salesperson, the client lodged a complaint to the EAA.



研訊結果

監管局紀律委員會認為，該營業員違反了執業通告（編號 15-05(CR)）。他未有查核大廈公契以確定該泊車位有否任何使用限制，亦沒有於訂立臨時買賣合約前，把該使用限制告知買方。因此，他違反了《操守守則》第 3.2.1 段，即「地產代理和營業員應熟悉並必須在執業時遵守《地產代理條例》、其附屬法例、操守守則，以及由監管局不時發布的所有其他指引」。

考慮到個案的性質及該名營業員的違規紀錄，紀律委員會決定譴責該名營業員，向他罰款 5,000 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 salesperson failed to comply with the guidelines set out in the Practice Circular No. 15-05(CR). He neither checked the DMC to ascertain whether there was any restriction on the use of the car parking space nor did he inform the purchaser on such restriction before arranging for the purchaser to enter into the PASP. Hence, he was in breach of paragraph 3.2.1 of the *Code of Ethics*, which stipulates: “Estate agents and salespersons should be fully conversant with the EAO, its subsidiary legislation, this Code of Ethics, and other guidelines issued by the EAA from time to time and shall observe and comply with them in the course of their practice”.

Having considered the nature and gravity of the case, and the disciplinary record of the salesperson, the Committee decided to reprimand him and impose a fine of \$5,000. A condition was also attached to his licence requiring him to obtain 12 points under the EAA’s Continuing Professional Development Scheme in 12 months.



柯興捷先生
香港專業地產顧問商會副會長
Mr Stephen Or
Vice President of Hong Kong Chamber of
Professional Property Consultants Ltd.

業界意見 Comment from trade

持牌人有責任將公契對車位使用的限制如實向客人說明。個案中有關持牌營業員明顯違規，被紀律委員會判罰款及進修 12 個學分，合情合理。

Licensees are responsible for informing their clients of the restrictions on the use of car parking space as stipulated in the DMC. The licensed salesperson in this case was obviously in violation and it is reasonable for the Disciplinary Committee to impose a fine on him and require him to obtain 12 points under the CPD scheme.

反洗錢專區 AML Corner

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".

有關地產代理業反洗錢及反恐怖分子資金籌集的問卷

Questionnaire on Situations Faced by Estate Agencies in Relation to Anti-Money Laundering and Counter Terrorist Financing

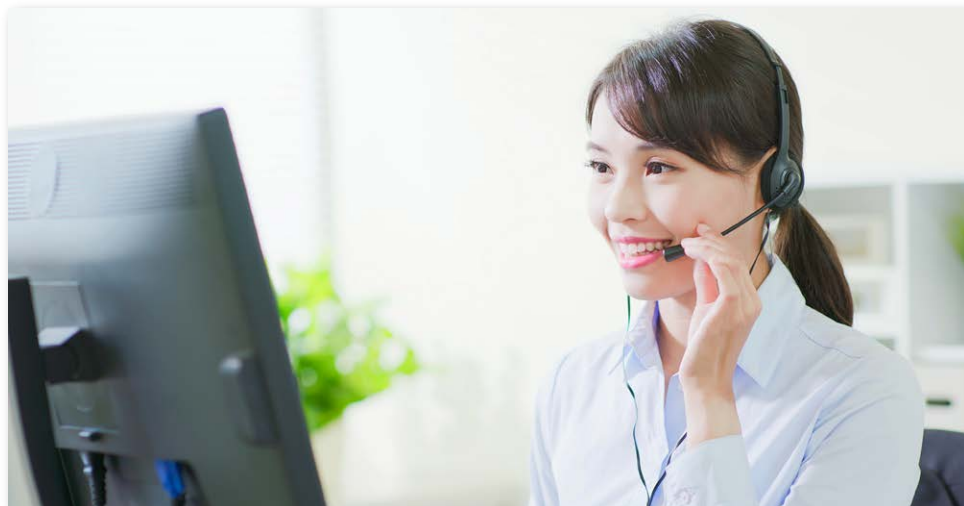
為加強監管局了解地產代理商所面對有關反洗錢及反恐怖分子資金籌集的情況，監管局正向地產代理公司發出一份問卷。監管局鼓勵地產代理公司相關的負責人在收到問卷後填妥並交回給監管局。

To enhance the EAA's understanding of the situations faced by estate agencies in relation to anti-money laundering and counter-terrorist financing, a questionnaire has been distributed among estate agencies. Responsible persons of estate agencies are encouraged to complete the questionnaire upon receipt.



常見問答 Frequently-Asked-Questions

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：地產代理可否將賣方客戶的香港身份證副本交給第三者作其推銷服務之用？

答：除非得到客戶自願給予的明示同意，地產代理不可將客戶的個人資料用於與原先收集該等資料時擬使用或相關的目的以外的目的，否則有可能違反了《個人資料(私隱)條例》(第486章)(「該條例」)。

根據該條例的保障資料原則，在使用資料當事人的個人資料作直接促銷或向第三方提供資料作直接促銷前，須先取得資料當事人知情的同意；這同意必須是由資料當事人明確表示，可包括表示不反對，但是沉默並不能構成同意。

除了不得將個人資料用於與當初收集時擬使用或相關的目的以外的目的之外，持牌人須採取一切切實可行的步驟，保障所持有的個人資料不會遭到未經授權或意外地被查閱、處理、刪除、喪失或使用。

Q: Could an estate agent give a photocopy of the vendor client's Hong Kong identity card to a third party for marketing of the party's services?

A: Estate agents must not use clients' personal data for any purpose other than or unrelated to that for which it was collected, unless with the client's express and voluntary consent. Otherwise, they may be in breach of the Personal Data (Privacy) Ordinance (Cap. 486) ("Ordinance").

According to the Data Protection Principles of the Ordinance, data users must obtain informed consent before using a data subject's personal data for direct marketing or transferring the data to a third party for direct marketing. The consent must be an explicit indication by the data subject and broadly covers an indication of no objection and silence cannot constitute consent.

Apart from not using personal data for any purpose other than or unrelated to the purpose for which it was originally collected, licensees should take all practicable steps to protect the personal data they hold against unauthorised or accidental access, processing, erasure, loss or use.

持續專業進修講座 - 「聽君一席話 • 勝讀十年書」

CPD Seminar – “Top Tips by Elites”



為促進地產代理從業員與其他界別的人士交流及使持續專業活動的內容更多元化，監管局在 2019 年 12 月推出一個名為「聽君一席話 • 勝讀十年書」的新系列。

為鼓勵持牌人自我提升及向他們灌輸正向思維，監管局邀請了會德豐地產（香港）有限公司常務董事黃光耀先生及消費者委員會總幹事黃鳳嫻女士在 2019 年 12 月 17 日第一場「聽君一席話 • 勝讀十年書」系列的講座內分享他們的成功之道。持牌人對這場講座的反應非常熱烈，場地座無虛席，共吸引了 143 位參加者。參加者反映他們覺得講者的分享很有見地，讓他們獲得啟發。

有見及持牌人的反應正面，監管局會繼續計劃邀請其他傑出人士為「聽君一席話 • 勝讀十年書」系列講座主講。

With a view to fostering cross-discipline exchanges between estate agency trade practitioners and professionals of other sectors as well as to enrich licensees' learning experiences, a new series of CPD seminars titled “Top Tips by Elites” was launched in December 2019.

To encourage personal advancement and instil positive thinking in licensees, Mr Ricky Wong Kwong-yiu (Managing Director, Wheelock Properties (HK) Limited) and Ms Gilly Wong Fung-han (Chief Executive, Consumer Council) were invited to share their stories on “key to success” at the first “Top Tips by Elites” seminar held on 17 December 2019. Overwhelming responses were received from licensees that the seminar attracted a full house of 143 participants. The participants reflected that the seminar was very inspiring and insightful.

In light of the positive responses from the licensees, the EAA would further plan on inviting other distinguished guests to speak at CPD seminars organised under the “Top Tips by Elites” series.

監管局即將舉行的持續專業進修講座 Upcoming EAA's CPD Seminars

為減低 2019 冠狀病毒在社區擴散的風險，之前訂下的持續專業進修講座將取消，另訂日期及安排將於稍後公布。請留意監管局網站持續專業進修計劃欄目公布的最新消息。不便之處，敬請原諒。

To reduce the risk of the spread of COVID-19 in the community, the Continuing Professional Development ("CPD") seminars previously scheduled will be cancelled. Re-scheduled dates and arrangements will be announced later. Please pay attention to the latest news announced in the CPD Scheme section of the EAA' s website. Sorry for the inconvenience caused.

其他相關活動 Other activities

個人資料私隱專員公署 —
條例簡介講座（以廣東話進行）

日期	時間
23/04/2020	15:00-16:30
04/05/2020	
13/05/2020	

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

照片回顧 Photos Recollection

2019-12-10

監管局行政總裁韓婉萍女士接受無綫電視節目《日日有樓睇》訪問，訪問內容由 2019 年 12 月 20 日至 2020 年 1 月 3 日連續三集播出。

EAA Chief Executive Officer Ms Ruby Hon attends an interview by TVB programme "A Property A Day", the interview was broadcasted in three consecutive episodes from 20 December 2019 to 3 January 2020.



2020-1-16

監管局行政總裁韓婉萍女士聯同服務及專業發展總監王頌恩先生與 ARELLO 基金會董事及前會長 Wayne Thorburn 先生會面，就本港物業交易市況及持牌人數字進行交流。

EAA Chief Executive Officer Ms Ruby Hon and Director of Services and Professional Development Mr Ivan Wong meet with Mr Wayne Thorburn, Director and former President of Association of Real Estate License Law Officials Foundation ("ARELLO"). Information on the property market in Hong Kong and the population of licensees were exchanged in the meeting.

2020-1-24

監管局行政總裁韓婉萍女士（右）接受新城電台節目訪問，談及業界的經營情況及局方於 2020 年的工作重點。

EAA Chief Executive Officer Ms Ruby Hon (right) attends an interview by Metro Radio, issues on the operating situation of the trade and the initiatives of the EAA in 2020 were discussed.



照片回顧 Photos Recollection



2008 年 12 月
December 2008

共 166 間地產代理商舖獲監管局頒發 2008 年「商舖專業進修嘉許獎章」

A total of 166 estate agency shops were awarded the CPD Mark of the EAA in 2008

2009 年 1 月
January 2009

監管局與中國房地產估價師與房地產經紀人學會代表於北京簽署專業資格互認備忘錄

Representatives of the EAA and CIREA signed the Memorandum of Understanding in Beijing



2012 年 3 月
March 2012

地產代理業界商會代表出席《優質執業手冊》的出版儀式暨講座

Representatives of the estate agency trade associations attended the launching ceremony cum seminar on the *Best Practice Checklist*



2016 年 3 月
March 2016

持續專業進修計劃優越嘉許獎章設計比賽頒獎典禮

Prize presentation ceremony of the EAA's Premium CPD Attainment Symbol Design Competition



統計數字 Statistics

考試 Examinations

 地產代理資格考試
Estate Agents Qualifying Examination
考試日期 Examination date 11/12/2019

參加人數 No. of candidates
1,064

合格率 Pass rate
15.8%

 營業員資格考試 (電腦應考模式)
Salespersons Qualifying Examination
(Computer-based)

考試日期 Examination date 19/12/2019

參加人數 No. of candidates
97

合格率 Pass rate
12.4%

考試日期 Examination date 14/1/2020

參加人數 No. of candidates
85

合格率 Pass rate
18.8%

 營業員資格考試 (筆試應考模式)
Salespersons Qualifying Examination
(Paper-based)

考試日期 Examination date 18/12/2019

參加人數 No. of candidates
672

合格率 Pass rate
25.9%

牌照數目 (截至 2020 年 2 月 29 日) Number of licences (As at 29/2/2020)

 營業員牌照
Salesperson's Licence **21,204**

 地產代理 (個人) 牌照
Estate Agent's Licence (Individual) **18,124**

 個人牌照總和
Total no. of Individual Licences **39,328**

 地產代理 (公司) 牌照
Estate Agent's Licence (Company) **3,802**

營業詳情說明書 (截至 2020 年 2 月 29 日) Number of statements of particulars of business (As at 29/2/2020)

 合夥經營
Partnerships **170**

 獨資經營
Sole proprietorships **1,550**

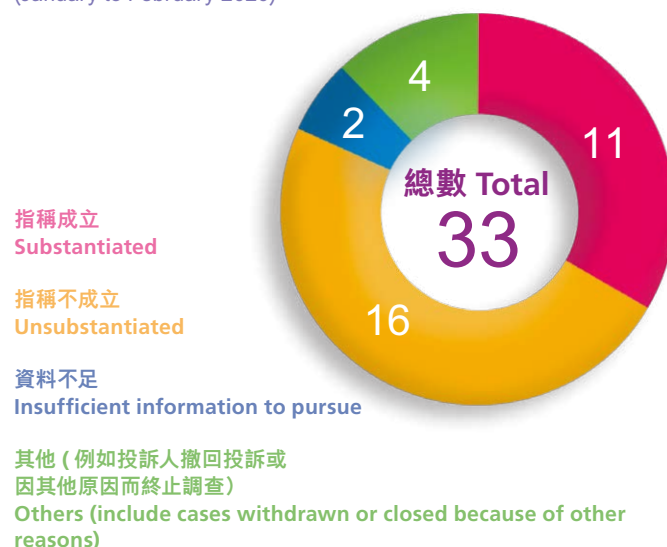
 有限公司
Limited companies **5,258**

 總數 Total **6,978**

開立的投訴 (2020 年 1 月至 2 月) Number of complaint cases opened (January to February 2020)

20

已處理的投訴個案結果* (2020 年 1 月至 2 月) Results of completed complaint cases* (January to February 2020)



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

統計數字 Statistics

巡查次數 (2020 年 1 月至 2 月) Number of compliance inspections (January to February 2020)



巡查發現主動調查的個案 (2020 年 1 月至 2 月) Number of cases arising from self-initiated investigations during inspections (January to February 2020)



* 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 2 月) Actions taken against licensees or ex-licensees* (January to February 2020)



行動 Actions Taken

訓誡 / 譴責
Admonishment/ reprimand

16

罰款
Fine

12

於牌照附加 / 更改條件
Attachment/ alteration of
conditions to licence

8

暫時吊銷牌照
Suspension

2

撤銷牌照
Revocation

8[#]

* 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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