

專業地產代理成功之道

The way to succeed as an estate agent



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韓婉萍
行政總裁

Ruby Hon Yuen-ping
Chief Executive Officer

“

筆者希望前線地產代理及地產代理公司的管理層時刻緊記，即使只是一宗劣行，也足以帶來公眾廣泛負評，破壞整個行業的形象。

I hope that frontline estate agents and the management of estate agency companies will always remember that even one single incident of bad behaviour would cause widespread negative opinion from the public and destroy the image of the whole trade.

”

代理打架何時了？

When will there be no more estate agents' fighting?

十月下旬，一個一手住宅樓盤的銷售處發生了一宗涉及數名持牌地產代理的打鬥事件。事發後有多篇新聞報道，同時在社交媒體上也被廣泛討論，並附有難看的照片和視頻，為地產代理行業的形象造成嚴重損害。

地產代理監管局（「監管局」）非常關注有關事件，事發後已即時向警方及有關發展商了解事件作出跟進。無論事件的起因是甚麼，又或者誰是誰非，地產代理從業員都必須自律，其公司亦必須為其員工的不當行為負責，監管局會對被證實違規的代理進行處分。

持牌人因觸犯涉及暴力的罪行而被定罪，其牌照不但會被撤銷，並會於五年內不會獲重新發牌。倘若有關人士沒有牌照，其牌照申請亦會於五年內不會獲批，僱用他們的地產代理公司亦有機會被處分。

由於樓盤銷售處及安排均屬於發展商的決定，監管局已在事件發生後立即向有關發展商跟進，而該發展商亦在其後加入了由監管局早於2018年推出的「一手住宅物業銷售約章」。監管局希望有關銷售安排能有所改善，避免再次發生類似事件。

目前，合共有36家地產發展商加入了「一手住宅物業銷售約章」，在該約章推出以來，一手住宅物業銷售處的秩序已大有改善，但我們仍會聽聞在銷售處發生一些不愉快事件，而令整個行業蒙羞。筆者不禁也問：此等劣行何時了？

筆者希望前線地產代理及地產代理公司的管理層時刻緊記，即使只是一宗劣行，也足以帶來公眾廣泛負評，破壞整個行業的形象。筆者相信，沒有地產代理希望被人看低。

In late October there was a fighting incident involving a number of licensed estate agents at one of the sale-sites of a first-hand residential development. There were multiple news reports and discussions on social media with photos and videos. It certainly damaged the image of the estate agency trade.

The Estate Agents Authority ("EAA") was deeply concerned about the incident and contacted the Police and the relevant developer to follow up immediately. No matter what triggered the dispute or who was right or wrong, estate agency practitioners must remain self-disciplined, while the estate agency companies are also responsible for the misconduct of their staff. The EAA will take disciplinary action against the non-compliant licensees.

Once a licensee is convicted of a crime involving violence during his estate agency work, his licence will be revoked and he will not be granted a new one for at least five years. If the person concerned is not a holder of a valid licence, the EAA will also refuse his licence application for five years and the estate company which employs him may also be disciplined.

As the sale-sites and sales arrangements are all decided by the developer, the EAA liaised with the relevant developer immediately after the incident. The developer later joined the "Charter on the Sales of First-hand Residential Properties" which was launched by the EAA in 2018. The EAA hopes there will be an improvement in the sales arrangements so that similar incidents will not occur again in the future.

Currently, there are 36 property developers participating in the Charter. After the launch of the Charter, the order at the sale-sites of first-hand residential properties significantly improved. However, there has still been some unpleasant incidents at the sale-sites which has brought disrepute to the industry. I could not help asking myself: when will such awful behaviour end?

I hope that frontline estate agents and the management of estate agency companies will always remember that even one single incident of bad behaviour would cause widespread negative opinion from the public and destroy the image of the whole trade. I believe no estate agents want to be looked down on by the public.



專業地產代理成功之道 The way to succeed as an estate agent

地產代理監管局早前誠邀前主席梁永祥教授SBS太平紳士擔任持續專業進修講座「聽君一席話・勝讀十年書」系列的講者，講座題為《「橋」王教你做代理》。是次講座於2021年10月19日舉行，深受持牌人歡迎，座無虛席，現場反應熱烈。假如你錯過了這個講座，今期《專業天地》特別為大家分享梁教授當日講座的重點，讓大家學懂如何成為專業的地產代理。

何謂「地產代理」？

地產代理作為中介人，主要工作就是撮合買家和業主，從而促成交易。地產代理的任務就是尋找希望出售物業的人和想要購買物業的人，並將雙方連繫起來。業主所銷售的「產品」是「物業」，而地產代理所賣的就是「服務」。因此，地產代理工作是屬於服務行業。而銷售和服務的分別在於：過分推

The EAA invited its former Chairman, Professor William LEUNG Wing-cheung, SBS, JP, as a guest speaker of the CPD seminar under the series of "Top Tips by Elites". The seminar was held on 19 October 2021 and received an overwhelmingly positive response from licensees. In this issue of *Horizons*, we will share with you the key points of Professor Leung's seminar on the ways to become a professional estate agent.

What is an "estate agent"?

As a middleman, the main duty of an estate agent is to pair up both the purchaser and vendor to complete a transaction. He needs to find those who wish to sell properties and those who want to purchase. A vendor is selling his "property" as his "product", while an estate agent is selling his "service". Thus estate agency is a kind of service industry. The major difference between hard-selling and service is that the former one will annoy customers while the latter one will introduce the right product to customers at the right time. Estate agents need to understand the asking price of the vendor and the affordability of the purchaser, together with both parties' requirements and expectations, so as to provide a professional and quality service to both clients.

銷或硬銷，會造成騷擾；只有在適當時候將合適的產品介紹給合適的客戶，才是服務。地產代理需要了解賣方的叫價和買方的負擔能力，以及買賣雙方的要求與期望，為客戶提供專業優質服務。

專業知識

顧名思義，專業代理必須具備專業知識。由於一般市民未必有買賣物業的經驗，即使有相關經驗，也未必熟悉所有買賣程序和手續。況且物業交易相當複雜，故此專業代理應熟悉以下十個要點：

1. 了解土地查冊內容
2. 不同階段所簽署的合約/協議
3. 不同階段的訂金
4. 支票抬頭人
5. 從何處獲得物業估值
6. 就申請按揭程序向客戶提供有用意見（但不可給予買家任何保證）
7. 樓齡對按揭供款的影響
8. 按揭保險計劃（切勿給予買家任何保證）
9. 認識物業交易相關的稅務（包括印花稅）事宜
10. 轉介相熟律師或銀行等

「態度」的重要性

倘若地產代理擁有專業知識但無心服務，即使空有能力，若未能惠及客戶也是徒然。當專業地產代理運用其專業知識協助客戶，用心服務以促進客戶利益時，這才稱得上是專業的服務態度。

大家可以細心留意「態度」這個字詞，「態」字是由「能」加「心」字結合而成，評定一個人的態度如何，就是要看他是否既有「能力」，又有「心」去完成他的工作。而「態度」的英文翻譯則是「ATTITUDE」。它由八個字母組成，如果根據字母的順序編配相應的數字，即A=1，D=4，E=5...（如此類推），將八個數字相加，得出總和便是100，意指待人接物的態度是100%非常重要。

Professional knowledge

As you know, professional agents should possess professional knowledge. The general public may not be experienced in purchasing and selling properties, and even if they are, they may not be familiar with the transaction procedures. In fact, property transaction is complicated, 10 key points that professional estate agents should know are summarised as follows:

1. Understand the content of a land search
2. Contracts/Agreements to be signed at different stages
3. Deposits at different stages
4. Payee of the cheques
5. How to get a valuation of the property
6. Provide useful advice on mortgage application procedure to clients (but do not give any assurances to purchasers)
7. The influence of the age of property on mortgage payment
8. Mortgage insurance plan (do not give any assurances to purchasers)
9. Know about relevant taxation (including stamp duty)
10. Recommend good solicitors or banks

The importance of "ATTITUDE"

If an estate agent is well-equipped with professional knowledge but serves clients without sincerity, the efforts paid will be in vain. Only when a professional estate agent fully utilises his knowledge to assist his clients and devotes himself to promoting his clients' interests, he is serving with a professional attitude.

Let us decipher the Chinese word 「態」 (meaning "attitude"). This Chinese word consists of two Chinese characters, i.e. the upper part 「能」 (meaning "ability") and the lower part 「心」 (meaning "heart"). Hence, when we judge a person's "attitude", we need to see whether he has completed his job with both his "ability" and "heart". In English, the word "attitude" is composed of eight letters: A+T+T+I+T+U+D+E, and if we assign a number to each letter according to its sequence, i.e. A=1, D=4, E=5..., and sum them up together, the result is 100. This also implies that our attitude is 100% important.

Build up a good reputation

In addition, professional agents should maintain a high standard of ethics and professional conduct. Not only is non-compliance unprofessional, but also ruins the reputation of the individual and the company. Those who take deceitful shortcuts to facilitate transaction will suffer in the end and also damage the overall image of the industry, even though those

建立良好聲譽

此外，專業代理必須行事持正、秉持專業操守。任何違規行為不但有失專業，更有損個人及公司名聲；一些單靠旁門左道或投機取巧而促成交易，即使沒有違規，最終不但會禍及自己，更會影響行業的整體形象。只有走正道才能建立良好口碑，招徠生意。

說到口碑，大家一定不可低估其重要性。在以前資訊科技及社交媒體未如現在盛行時，一個滿意的客戶會告訴一個朋友，而一個不滿意的客戶會告訴十個朋友；時至今日，隨着資訊科技及社交媒體急速發展的情況下，一個快樂的顧客會與三個朋友分享，但一個憤怒的顧客則會告知全世界。由此可見，任何負評或負面事件的傳播力相當驚人，足以影響整個行業的聲譽。總括而言，專業代理的成功之道在於專業知識、用心服務，以及守法循規，這三大要訣建立而來的良好口碑便能為你帶來源源不絕的客源。

「5A」代理

另一方面，令準買家接觸到放盤資訊的方法不外乎多做宣傳，雖然發布廣告的渠道很多，惟傳統的推廣途徑未必適合現今社會；故從業員必須要自我增值，學習最新的銷售或拍攝技巧，使用不同的社交媒體作為宣傳等。同時要向大眾展現出自己是一個「5A」的代理，時刻具備「三言兩語」的特質（即「言出必行」、「言之有物」、「言而有信」、「與時並進」及「與客同行」）。這些都是從業員需要深思及跟進的課題。

總結

專業地產代理的成功要素包括做事認真、待客態度誠懇、將心比己、對待各方公平公正。另外要充實自己，知識上的增長和技巧上的改進同樣重要；同時要檢視自身不足之處，從錯誤中學習，成為「5A」的專業代理指日可待。



acts might not have breached any laws. Only good word-of-mouth will definitely help attract business in the long run.

Never underestimate the importance of word-of-mouth. While information technology and social media were not so popular in the past, a satisfied customer would share his experience with one of his friends while an unsatisfied customer would share with ten of his friends. Nowadays, with the rapid development of information technology and social media, a happy customer will share with three friends while one angry customer will tell the whole world about his discontent. That said, the spread of negative reviews could be very quick and the impact could be significant enough to ruin ones' reputation. To conclude, the keys to be a successful and professional estate agent are professional knowledge, sincere attitude and compliance with the laws. With these three major keys, one can build up a good reputation as a source of endless customers.

Be a "5A" agent

On the other hand, the most straight-forward way to reach prospective purchasers is promotion. Although there are various advertising channels, the traditional marketing platforms may not be the best suited for modern society. Practitioners should learn the latest skills about sales and videography, such as integrating different social media into their promotions. Likewise, licensees should present themselves as a "5A" agent with the attributes of "Adherence", "Ability", "Accountability", "Advancement" and "Affinity". Practitioners should also consider how to achieve such a goal.

Conclusion

The keys to success for a professional estate agent include working with integrity, providing services to clients with honesty and acting in a fair manner to all the parties involved. In addition, it is important to strive for self-improvement on knowledge and skills. Furthermore, review your weaknesses and limitations and learn from mistakes. With all the above, one will become a "5A" agent one day.

監管局董事局歡迎新任成員

The Board of the EAA welcomes new members

監管局歡迎香港特別行政區政府委任林智遠太平紳士及蔡志忠先生於2021年11月1日起出任監管局新成員。監管局董事局現有正、副主席各一名及18名普通成員，各成員來自多元化背景，擁有不同的知識、經驗及專業，包括來自地產代理、物業發展、商業、法律、金融、規管及學術等不同界別。

監管局董事局於2021年11月16日舉行會議，並委任五個常設委員會的主席，以監督監管局不同範疇的工作。董事局全體成員名單已載於監管局網頁，而各常設委員會的主席名單則如下：

The EAA welcomes the HKSAR Government's appointment of Mr Nelson LAM Chi-yuen, JP and Mr TSOI Chi-chung as new members of the EAA effective from 1 November 2021. The EAA Board currently consists of a Chairman, a Vice-chairman and 18 ordinary members from varied backgrounds with diverse knowledge, experience and expertise, including the sectors of real estate agency, property development, business, legal, finance, regulatory and academia.

The EAA Board held its meeting on 16 November 2021 and appointed the chairmen of its five standing committees to oversee various aspects of the EAA's work. The full list of the EAA Board members is published on the EAA's website and the chairmen of the standing committees are as follows:

| 常設委員會名稱 Name of the Standing Committee | 委員會主席 Committee Chairman |
|--|---|
| 策略發展及管理委員會 Strategic Development & Management Committee | 廖玉玲太平紳士 Ms Elaine LIU, JP |
| 紀律委員會 Disciplinary Committee | 周偉信先生 Mr CHOW Wai-shun |
| 牌照委員會 Licensing Committee | 謝小玲女士 Ms Phoebe TSE Siu-ling |
| 執業及考試委員會 Practice and Examination Committee | 許智文教授 MH太平紳士 Professor Eddie HUI Chi-man, MH, JP |
| 專業發展委員會 Professional Development Committee | 戴敏娜女士 Ms Meena DATWANI |

為歡迎董事局新成員及向卸任成員致謝，監管局於2021年11月23日舉行午宴，並由監管局主席廖玉玲太平紳士頒贈紀念水晶予兩名剛卸任成員凌潔心女士及吳啟民先生，以答謝他們對監管局作出的貢獻。

A lunch was held on 23 November 2021 to welcome the new Board members and to say farewell to the retiring members. At the lunch, Ms Elaine LIU, JP, Chairman of the EAA, presented crystal trophies to the two retiring members, Ms Imma LING Kit-sum and Mr NG Kai-man, as a token of appreciation for their contributions to the EAA.



監管局主席廖玉玲太平紳士（中）頒贈紀念水晶予凌潔心女士（左）及吳啟民先生（右）

The EAA Chairman, Ms Elaine LIU, JP (middle), presents crystal trophies to Ms Imma LING Kit-sum (left) and Mr NG Kai-man (right)

監管局出版2020/21年報 EAA published Annual Report 2020/21

監管局每年會製作年報作為與持份者的主要溝通渠道。監管局的2020/21年報已於10月下旬出版，並提呈立法會省覽。年報概述了監管局規管地產代理業界執業的主要工作、及截至2021年3月31日財政年度的財務回顧，亦重點記載監管局在年內積極應對新冠疫情帶來的挑戰，包括就保持監管局營運業務的連續性和彈性、以及為業界而推行的特別措施。

2020/21年報的網上版及電子書版本可於監管局網站閱覽。

The EAA produces the Annual Report every year as a major tool to communicate with its target audiences. The EAA Annual Report 2020/21 was published in late October and tabled at the Legislative Council. The EAA Annual Report 2020/21 summarises the EAA's work in regulating the practice of the estate agency trade and its financial

statement for the fiscal year ended 31 March 2021. It also highlights the EAA's efforts in overcoming the challenges brought by the COVID-19 pandemic during the year, including maintaining business continuity and resilience for the EAA's operation and implementing special measures for the trade.

The online and e-book version of the Annual Report 2020/21 are now available at the EAA's website.



「節能有『理』嘉許計劃」最新消息

Update of the "Estate Agents Energy Saving Award Scheme"



為鼓勵地產代理減少商舖用電量，監管局於2021年4月推出「節能有『理』嘉許計劃」（「計劃」），吸引超過900間地產代理商舖報名參與計劃。

報名參加的地產代理商舖，已透過計劃網站內的用電量計算機（「計算機」）提交其商舖在2020年6月至10月及2021年6月至10月的用電量數據。參加商戶每月用電量均經由上述計算機自動算出並提交至監管局。當中，成功於2021年6月至10月間的按月用電量比2020年同月用電量有所減少（其中任何一個月或以上）的商舖，便會獲得不同等級的嘉許。受嘉許的商戶將獲頒發嘉許證書及嘉許標誌櫥窗貼紙，以供張貼於店內。

計劃結果將於2022年初公布，敬請密切留意！

To encourage estate agents to reduce electricity consumption of estate agency shops, the EAA introduced the "Estate Agents Energy Saving Award Scheme" ("Scheme") in April 2021. Over 900 estate agency shops have enrolled in the Scheme.

The enrolled estate agency shops submitted their electricity usage records from June to October 2020 and from June to October 2021 through the electricity usage calculator ("calculator") on the website of the Scheme. The monthly electricity usage of each shop was calculated and submitted to the EAA automatically. Those shops with a lower monthly electricity consumption in 2021 (in any one month or more) compared to the same month(s) in 2020 will be awarded with different levels of recognition. A certificate and a window sticker with the award logo will be presented to the awarded estate agency shops.

The results of the Scheme will be announced in early 2022. Stay tuned!



有關按揭的公開講座 Public seminar about mortgages



(左起) 陳汝儼律師、麥萃才博士、林潔瑩女士以及鍾少權博士
(From left) Mr Chan U-keng, Dr Billy Mak, Ms Grace Lam and Dr Derek Chung

監管局向來重視消費者教育，並透過不同渠導教導公眾有關物業交易的注意事項。鑑於公眾反應熱烈，監管局於2021年9月25日舉辦Facebook網上直播講座「置業按揭你要『析』」。是次講座經由媒體夥伴新城電台的Facebook專頁進行廣播，總觀看次數達4.4萬。

講座由新城財經台新聞部總監林潔瑩女士擔任主持。嘉賓講者則包括香港浸會大學財務及決策學系副教授麥萃才博士、博士財資管理有限公司創始人、資深銀行家及香港理工大學會計及金融學院實務教授（財務）鍾少權博士以及監管局執行總監陳汝儼律師。講者於席上與公眾分享有關申請按揭貸款的要點及對香港物業前景的看法。另外，講者亦有回答網上觀眾的提問。

有關講座片段已上載到監管局網頁及YouTube頻道供市民收看。

The EAA attaches great importance to consumer education and adopts different channels to educate the public on the important points-to-note about property transactions. Following previous positive feedback from the public, the EAA held a Facebook live seminar on the “important points-to-note about mortgages” on 25 September 2021. The seminar was broadcast live through the Facebook page of Metro Broadcast, the seminar’s media partner, and over 44,000 views of the seminar were recorded.

The seminar was hosted by Ms Grace Lam, News Controller of Metro Finance. Guest speakers included Dr Billy Mak, Associate Professor of Hong Kong Baptist University, Dr Derek Chung, Professor of Practice (Finance) of Hong Kong Polytechnic University, and Mr Chan U-keng, Director of Operations of the EAA. The speakers shared with the public the important points-to-note when applying for a mortgage loan and their views on the outlook of the Hong Kong property market. In addition, the speakers also answered questions raised by the online audience.

The video of the seminar has been uploaded on the EAA’s website and YouTube channel for the public’s viewing.

有關監管局新辦事處地址及在2022年1月1日之後舉行的資格考試的變更事項的提醒

Reminder of the EAA's new office address and changes to qualifying examinations scheduled after 1 January 2022

監管局提醒持牌人，本局辦事處已於2021年9月14日搬遷。

Please be reminded that the EAA's office has been relocated since 14 September 2021.

有關牌照事宜，請前往：香港灣仔皇后大道東183號合和中心26樓2601室

For matters about licensing, please visit: Room 2601, 26/F, Hopewell Centre, 183 Queen's Road East, Wanchai, Hong Kong

有關投訴事宜，請前往：香港柴灣利眾街24號東貿廣場7樓

For matters about complaints, please visit: 7/F, E-Trade Plaza, 24 Lee Chung Street, Chai Wan, Hong Kong

監管局的熱線電話（2111 2777）及辦公時間均維持不變：

星期一至五上午8時45分至下午5時45分（公眾假期除外）

The EAA hotline (2111 2777) and the opening hours of the offices will remain unchanged:

From 8:45am to 5:45pm Monday to Friday (except public holidays)

另一方面，於2022年1月1日（「生效日期」）之後舉行的資格考試將有以下的變更：

On the other hand, there will be certain changes for qualifying examinations scheduled after 1 January 2022 ("Effective Date"):

1. 增加資格考試費用（適用於所有資格考試）
在生效日期後舉行的地產代理資格考試的考試費將由\$800上調至\$900；而在生效日期後舉行的營業員資格考試的考試費則將由\$550上調至\$650。
2. 修訂罰則水平（適用於所有資格考試）
部分違反考試規則的罰則水平將會修訂。考生應參閱監管局在2021年9月28日發出的特別通告及在監管局網站發布的《考生須知及守則》修訂版本以了解詳情。
3. 更改報名方法（只適用於筆試模式的考試）
筆試模式的地產代理資格考試及筆試模式的營業員資格考試的報名方法將會更改為只接受(i)網上報名；及(ii)郵遞報名。

1. Increase of Qualifying Examination Fees (for all Qualifying Examinations)
The fee for the Estate Agents Qualifying Examination scheduled to be held after the Effective Date will be increased from \$800 to \$900, and the fee for the Salespersons Qualifying Examination scheduled to be held after the Effective Date will be increased from \$550 to \$650.
2. Revision to the Level of Penalty (for all Qualifying Examinations)
The level of penalty for certain breaches of examination regulations will be revised. Candidates should refer to the Special Notice dated 28 September 2021 and the revised "Instructions to Candidates" published on the website of the EAA for details.
3. Change of Registration Methods (for Paper-based Examinations only)
Registration methods for the paper-based Estate Agents Qualifying Examination and the paper-based Salespersons Qualifying Examination will be revised to accept only (i) online registration; and (ii) by post registration.

特別通告：



考生須知及守則：



Special Notice:



Instructions to Candidates:



網絡研討會及《政府技能提升配對資助計劃》課程

Webinars & "Government Matching Grant Scheme for Skills Upgrading" Courses



為了加強持牌人的在合規方面的知識及實用技巧，監管局於九月至十二月舉辦了多個網絡研討會，當中包括：「地產代理的責任－恰當及誠信行為」、「優質客戶服務與正向思維」、「違規的可能後果」、「《地產代理條例》及其附屬法例」以及「監管局《操守守則》及執業通告」。監管局亦邀請了不同的監管機構就各方面的主題擔任網絡研討會演講嘉賓，例如：警務處、廉政公署、競爭事務委員會、一手住宅物業銷售監管局，以拓闊持牌人的專業知識。

此外，監管局委託了香港大學專業進修學院推出的兩個由政府「第二輪防疫抗疫基金：技能提升配對資助計劃」支助的培訓課程，分別為「土地查冊學英文」及「以智能電話製作樓盤影片」，並已於七月開始舉行。由九月至十二月期間共舉辦了四班的「土地查冊學英文」和六班的「以智能電話製作樓盤影片」。由於持牌人對「以智能電話製作樓盤影片」的課程需求反應熱烈，名額瞬間已滿，故監管局向有關當局申請增加課堂數量由原來的12堂增加至最多20堂。新開班別現已接受報名，有興趣的持牌人可透過以下網站瀏覽課程及報名詳情：www.eaa.org.hk/zh-hk/CPD-Scheme/Matching-Grant-Scheme-for-Skills-Upgrading-Courses

In order to strengthen the knowledge on compliance and practical skills of licensees, the EAA launched a number of webinars from September to December, including "Responsibilities of Estate Agents – Act Properly and Ethically", "Quality Customer Services and Positive Thinking", "Possible Consequences of Non-Compliance with Regulations", "Estate Agents Ordinance and its Subsidiary Legislations" and "EAA's Code of Ethics and Practice Circulars". The EAA also invited representatives from other regulatory bodies to deliver webinars on various topics, such as the Hong Kong Police, the Independent Commission Against Corruption, the Competition Commission, the Sales of First-hand Residential Properties Authority, to broaden the licensees' professional knowledge.

Besides, the EAA has appointed HKUSPACE to launch two CPD training courses, namely, "Learning English through Land Search" and "Video Production for Estate Agency Trade Using Smartphone" with the subsidy from the Government Matching Grant Scheme for Skill Upgrading under the second round of the Anti-epidemic Fund, which commenced in July. From September to December, four classes of "Learning English through Land Search" and six classes of "Producing Property Videos using Smart Phones" were launched. Owing to the overwhelming demand from the licensees on the course "Production of Property Video Using Smart Phone", the seats were filled up instantly and the EAA applied to the Government to increase the number of classes from the original 12 to 20 at maximum. New classes are now opened for registration. Interested licensees can refer to the following website for the courses and registrations details: www.eaa.org.hk/en-us/CPD-Scheme/Matching-Grant-Scheme-for-Skills-Upgrading-Courses



「地產代理商舖專業進修嘉許獎章」計劃

CPD Mark for Estate Agencies Award Scheme

《專業天地》會專訪一些獲得「地產代理商舖專業進修嘉許獎章」（「商舖嘉許獎章」）的地產代理公司，分享他們推動員工持續進修的經驗。今期我們訪問了駿達物業有限公司，該公司共獲頒發「專業進修嘉許獎章」五次。

In *Horizons*, we will interview a number of the estate agencies who have been awarded the CPD Mark for Estate Agencies Award ("CPD Mark") to share their experiences in facilitating their staff's continuous learning. In this issue, we interviewed Far Success Properties Limited which has received the CPD Mark five times.



駿達物業有限公司為員工提供多元化的專業培訓，讓員工提升自己的專業
Far Success Properties Limited offers diversified professional training to staff to improve themselves

1. 你認為參加「商舖嘉許獎章」對貴公司及員工有什麼幫助或得著？可否分享具體例子？

「商舖嘉許獎章」標誌可以張貼於我們的營業地點，或印刷於公司傳單及代理名片上，使公眾知悉我們的僱員積極參與持續進修。即使公司規模不大，客戶可識別此嘉許獎章標誌，有助員工爭取客戶之信任及認同。

2. 地產代理工作繁重，貴公司如何鼓勵員工參加持續專業進修活動？

自持續專業進修計劃推出以來，我們已開始為員工提供多元化的專業培訓，鼓勵他們報讀，同時，監管局也提供多元化的免費講座及網上學習活動等。我們也經常向員工推廣良好操守，並協助他們報讀持續進修課程。員工也享受提升自己的寶貴學習機會。

1. Could you share what benefits the "CPD Mark" has brought to your company and staff with some examples?

The CPD Mark under the "CPD Mark for Estate Agencies Award Scheme" can be posted at our business location or printed on our company leaflets and our agents' business cards, which can be seen by the public and let them know that our employees are actively participating in continuous training. Even though our company is a small-scale agency, customers can identify the CPD Mark which helps us gain our customers' trust and recognition.

2. With the heavy workload of estate agents, how does your company encourage your staff to participate in CPD activities?

Since the launch of the Continuing Professional Development Scheme, we have been providing employees with diversified professional training and encouraging them to enroll. The Estate Agents Authority also provides diversified free seminars and online learning activities for licensees. We also promote good conduct among our staff and assist them in enrolling on CPD courses. Our staff enjoy equipping themselves and treasure the opportunities to further study.



紀律研訊個案 Disciplinary hearing case

發出載有虛假牌照資料的物業廣告 Issuing online advertisement which contained false licence information

引言

地產代理公司在發出物業廣告時，須確保該些廣告沒有載有任何虛假或具誤導成分的資料或陳述，包括牌照資料，否則有可能被監管局紀律處分。

Introduction

When issuing property advertisements, estate agency companies must ensure that the advertisements should not contain any false or misleading information or statements, including licence information. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局接獲來自一名物業持有人的匿名投訴，指一間地產代理公司於一個網上物業平台，發出一則廣告宣傳他的物業；然而，他並沒有委託任何地產代理出售該物業。

調查期間，監管局職員發現相關廣告已不再刊登在該網上物業平台，惟涉事地產代理公司發出了一則有關另一物業的廣告，該廣告列出聯絡人的姓名、聯絡電話號碼及牌照號碼。監管局職員根據局方的牌照紀錄核實該些資料，卻沒有顯示該名聯絡人的紀錄。

Incident

The EAA received an anonymous complaint from a property owner that an estate agency company issued an advertisement of his property on an online property platform but he did not appoint any estate agent to sell that property.

During the investigation, the EAA staff found that the relevant advertisement was no longer on that online platform but there was another advertisement of another property issued by the same estate agency company with contact details listed on the advertisement, including the name of the contact person, mobile phone number and a licence number. The EAA staff then verified such information with the licence records kept by the EAA, but no record of the said contact person was found.

研訊結果

監管局紀律委員會認為，該地產代理公司於網上發出載有虛假牌照資料的廣告，因而違反了《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公司的違規紀錄，紀律委員會決定譴責該地產代理公司及向其罰款30,000元。

Result

The EAA Disciplinary Committee was of the view that the estate agency company issued an advertisement on the internet which contained false licence information. Hence, it failed to comply with paragraph 3.7.2 of the *Code of Ethics*, which states that “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 that company, the Disciplinary Committee decided to reprimand the estate agency company, and impose a fine of \$30,000.



陳翠珊女士
地產代理管理協會副會長
Ms Anita Chan
Vice President of Estate Agents
Management Association

業界意見 Comment from trade

地產代理就物業發出廣告前，須先取得賣方/業主的書面同意，並採取一切合理步驟核實廣告所載資料的準確性，所有廣告均須真實及不具誤導性，以保障消費者的利益。此外，廣告中亦應列明物業編號及廣告的刊登日期。

Prior to issuing a property advertisement, estate agents must obtain written consent from the vendor/landlord and take all reasonable steps to verify the accuracy of the information contained in the advertisement. All advertisements must be real and not misleading so that consumers' interests are protected. In addition, the property number and the date of the advertisement should also be stated in the advertisement.

紀律研訊個案 Disciplinary hearing case

未有告知客戶物業涉及無償轉讓契

Failure to inform a client that a property involved an assignment at nil consideration

引言

倘若有關物業涉及遺產分配協議及/或無償轉讓契，持牌人在與客戶訂立臨時買賣合約（「臨約」）之前，必須告知客戶有關事實，並應建議客戶尋求獨立的法律意見。否則，持牌人有機會被監管局紀律處分。

Introduction

Before arranging for clients to enter into the provisional sale and purchase agreement (“PASP”), licensees must inform the purchaser(s) if the relevant property involves a Deed of Family Arrangement and/or an assignment at nil consideration and advise them to seek independent legal advice. Otherwise, licensees may be subject to disciplinary action by the EAA.

事件經過

於一項物業買賣交易中，一名營業員安排買家訂立臨約。然而，該買家其後獲律師通知，該

Incident

In a property transaction, a salesperson arranged for the purchaser to enter into a PASP. However, the purchaser was later informed by his

物業因涉及遺產分配協議，有機會影響其按揭申請。

及後，買家向不同銀行作出的所有按揭貸款申請均被拒絕。買家最終要取消交易，而有關訂金亦被沒收。買家不滿該營業員未有告知他有關物業於土地註冊處註有遺產分配協議，也未有向其指出購入該物業所帶來的潛在風險，遂向監管局作出投訴。

solicitor that the property involved a Deed of Family Arrangement which might affect his mortgage application.

Subsequently, all the purchaser's mortgage applications from different banks were rejected. As a result, he cancelled the transaction, and his deposit was forfeited. Feeling dissatisfied that the salesperson did not inform him that the property had a Deed of Family Arrangement registered at the land registry, nor of the potential risks relating to the title of the property, he lodged a complaint with the EAA.

研訊結果

監管局紀律委員會認為，該營業員未有告知準買家有關物業涉及遺產分配協議及／或無償轉讓契，亦未有於訂立臨約前向其建議先尋求法律意見。

因此，該營業員違反了《操守守則》第3.4.1段，即「作為代理或受委託為代理的地產代理和營業員，應保障和促進客戶的利益，按照地產代理協議執行客戶的指示，並對交易各方公平公正。」

考慮到個案的性質及該營業員的違規紀錄，紀律委員會決定譴責該營業員，向他罰款8,000元及要求他在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 inform the prospective purchaser that the property involved a Deed of Family Arrangement and/or an assignment at nil consideration and failed to advise the prospective purchaser to seek legal advice before arranging for him to enter into the PASP.

Hence, the salesperson was in breach of paragraph 3.4.1 of the *Code of Ethics*, which states that "Estate agents and salespersons should protect and promote the interests of their clients, carry out the instructions of their clients in accordance with the estate agency agreement and act in an impartial and just manner to all parties involved in the transaction."

Having considered the nature and gravity of the case and the disciplinary record of the salesperson, the Disciplinary Committee decided to reprimand him, and impose a fine of \$8,000 and require him to obtain 12 points in the Continuing Professional Development Scheme within 12 months.



汪敦敬博士 MH
香港專業地產顧問商會榮譽會長兼秘書長
Dr Lawrence Wong Dun-king, MH
Honorary President and Chief Secretary
of Hong Kong Chamber of Professional
Property Consultants

業界意見 Comment from trade

從業員在處理交易時應向客戶清楚解釋土地查冊上所有細節，若發現有關物業涉及遺產分配協議及／無償轉讓契時更應份外小心，除了對準買家作出提醒外，亦可提供補充附件讓準買家清楚知道物業業權有可能受到影響及／或無法取得該物業的按揭貸款等風險。同時，從業員亦應建議準買家在簽署臨約前先諮詢獨立法律意見。

Practitioners should explain the details of the land search to clients when handling property transactions. If a Deed of Family Arrangement and/or an assignment at nil consideration is involved, they should take extra precautions and alert the prospective purchaser about the risks. They could also provide a supplementary document to ensure that the prospective purchaser understands clearly that the title of the property may be affected and/or the risk of failing to obtain a mortgage for the property. Moreover, practitioners should advise the purchaser to seek independent legal advice before entering into the PASP.

反洗錢

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".

「反洗錢」專區

Anti-Money Laundering (AML) Corner

監管局以風險為本的監督方法，監管地產代理業界有否遵從反洗錢/反恐怖分子資金籌集的規定。監管局會不時檢視地產代理公司的相關政策、工作程序和管理系統。自2021年初，監管局進行一項「反洗錢及反恐融資責任指導計劃」，局方人員會到訪一些地產代理商舖，為持牌人就處理買賣交易而進行的客戶盡職調查和記錄備存責任提供面對面的指導。持牌人均對該計劃評價正面，並表示該計劃能加強他們對執業通告(編號18-01(CR))所載反洗錢/反恐怖分子資金籌集規定的認識。

「反洗錢」資訊專區：



The EAA has adopted a Risk-based Approach in its supervision of the estate agency trade practitioners' compliance with AML/CTF requirements. The estate agencies' AML/CTF policies, procedures and control systems will be examined from time to time. Since early 2021, the EAA has been running the "AML & CTF Responsibilities Guidance Programme", which EAA staff would paid a visit to certain estate agency shops and provide face-to-face guidance to licensees on conducting customer due diligence and record-keeping for the sale and purchase transactions they handle. Licensees' feedbacks on the programmes are positive and they comment that the programme has further strengthened their conversance with the regulatory requirements under the Practice Circular (Circular No.18-01 (CR)).

AML Corner:



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 倘若某地產代理公司收到業主的指示放盤出租其住宅物業，業主只以書面同意地產代理公司就該物業發出廣告，但沒有與該地產代理公司簽立地產代理協議，該地產代理公司可否為該業主的物業作廣告宣傳？

答 根據《地產代理常規（一般責任及香港住宅物業）規例》（《常規規例》）第9(2)條，持牌地產代理就賣方的住宅物業發出廣告之前，須取得該賣方的書面同意。

雖然《常規規例》並沒有對地產代理就賣方（或業主）的住宅物業發出廣告之前，須取得該賣方（或業主）的書面同意的格式作任何訂明，但持牌人應注意，根據《常規規例》第6(1)條，為賣方（或業主）行事的持牌地產代理須在以下情況與該賣方（或業主）訂立地產代理協議：

- (a) 接受出售或出租有關的住宅物業的指示後7個工作日內；或
- (b) 就該物業的出售或出租而作廣告宣傳之前；或
- (c) 就該物業簽署買賣協議或租契之前（三者之中以最早者為準）

住宅物業的地產代理協議是《地產代理條例》訂明的表格，釐定消費者與地產代理的權責，對雙方都有保障。因此，持牌人在處理住宅物業交易時，應與客戶訂立地產代理協議。

Q Is an estate agency company, which has received the landlord's instructions to lease out his residential property, allowed to issue an advertisement for the landlord's property if the landlord has only given written consent for the estate agency company to issue advertisement for the property but did not enter into an estate agency agreement with the estate agency company?

A According to section 9(2) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation ("Practice Regulation"), a licensed estate agent shall obtain a vendor's written consent prior to the issue of an advertisement in respect of the vendor's residential property.

Although there is no stipulation in the Practice Regulation on the format of the written consent prior to the issue of an advertisement in respect of the vendor's (or landlord's) residential property, licensees should note that under section 6(1) of the Practice Regulation, a licensed estate agent who acts for a vendor (or landlord) shall enter into an estate agency agreement with the vendor (or landlord):

- (a) within seven working days after accepting an instruction to sell or lease the residential property concerned; or
- (b) prior to advertising the property for sale or lease; or
- (c) prior to signing an agreement for sale and purchase or a lease of the property, whichever is the earlier.

Estate agency agreements for residential properties are prescribed forms under the Estate Agents Ordinance. They set out the rights and duties of consumers and estate agents, and help protect the interests of both parties. Therefore, licensees should enter into an estate agency agreement with their clients when they deal with residential properties.



監管局即將推出的持續專業進修計劃活動

Upcoming CPD activities offered by the EAA

面授講座

| 日期 | 講者 | 課程名稱 | 語言 | 類別 |
|----------|----------------------------------|------|-----|--------|
| 7/1/2022 | 香港大律師公會 土地、信託及遺囑認證 專業委員會成員 | 遺囑認證 | 廣東話 | 全面提升發展 |

實務證書課程

| 日期 | 講者 | 課程名稱 | 語言 | 類別 |
|-----------|----------------------|----------|-----|---------|
| 18/1/2022 | 監管局投訴及行動部主管 馬喜得律師 | 物業轉易須知 | 廣東話 | 合規及有效管理 |
| 8/2/2022 | | 物業租賃實務知識 | | |
| 22/2/2022 | 監管局行動部經理 李淑儀女士 | 掌握土地查冊 | | |
| 8/3/2022 | | 理解物業產權負擔 | | |

其他網絡研討會 Other Webinars

| 日期 Date | 講者 Speaker | 課程名稱 Course title | 語言 Language | 類別 Category |
|------------|--|--|----------------|---|
| 12/1/2022 | 香港測量師學會代表 | 認識商舖及寫字樓 的估值 | 廣東話 | 全面提升發展 |
| 16/2/2022 | 廉政公署代表 | 《優質執業手冊》 講座－物業交易、 地產代理行政及 人事管理篇 | 廣東話 | 合規及有效管理 |
| 23/2/2022 | Competition Commission Representative | Introduction to the Competition Ordinance | English | Compliance and Effective Management |

詳情請瀏覽《持續專業進修計劃》的網頁。 For details, please visit the webpage of the CPD Scheme.



其他活動

競爭事務委員會主辦活動

| 日期 | 時間 | 課程名稱 | 語言 | 課程費用 |
|------------|-------------|------------|----|------|
| 06/01/2022 | 15:30-17:30 | 《競爭條例》網上講座 | 粵語 | 免費 |

查詢電話：3462 2118



監管局以視像會議形式與業界主要代表舉行業界聯絡會議，會上談及多項議題，包括有關監管局辦事處搬遷、反洗錢及反恐怖分子資金籌集規定的執行以及銷售境外物業等事宜。

The EAA holds a trade liaison meeting with major trade representatives by video conferencing. Issues regarding the relocation of the EAA office, the implementation of the Anti-Money Laundering and Counter-Terrorist Financing requirements and the sale of uncompleted properties situated outside Hong Kong are discussed in the meeting.



監管局為柴灣東貿廣場7樓的新辦事處舉行開幕禮，監管局董事局成員與運輸及房屋局代表均有出席。

The EAA holds a ceremony to commemorate the opening of the new office on 7/F of E-Trade Plaza in Chai Wan. EAA Board members and representatives of the Transport and Housing Bureau attend the ceremony.



監管局牌照部劉敏傑先生（左）獲頒發「2021申訴專員嘉許獎 - 公職人員獎」，以表揚他在處理查詢時的專業和積極態度。這已是連續第七年有監管局員工獲頒發申訴專員嘉許獎。監管局行政總裁韓婉萍女士（右）亦應邀出席頒獎禮一同分享喜悅。

Mr Stephen Lau (left) from the Licensing Section of the EAA receives "The Ombudsman's Awards 2021" for "Officers of Public Organisation" in recognition of his professional and positive attitude in enquiries handling. It is the seventh consecutive year that EAA staff have been awarded The Ombudsman's Award. The EAA's Chief Executive Officer Ms Ruby Hon (right) is also invited to attend the award presentation ceremony and share the joy.



監管局應財富情報及調查科邀請出席「守戶者聯盟」反洗錢月啟動禮暨標語設計比賽頒獎典禮，由監管局服務及專業發展總監及行動部經理代表出席。

The EAA is invited by the Financial Intelligence and Investigation Bureau to attend the Project "AccFencers" AML Month Kick-Off cum Slogan Design Competition Presentation Ceremony. Director of Services and Professional Development and Manager (Enforcement) of the EAA attend the ceremony on behalf of the EAA.



3/2014

監管局推出兩段有關「物業土地查冊」及「物業許可用途」的消費者教育短片，並於港鐵站舉行巡迴展覽。

The EAA launches two consumer education videos relating to "land search" and "permitted use" of properties and holds roving exhibitions at MTR stations.



11/2016

監管局接待來自迪拜房地產協會的代表團。會面中彼此分享見解及規管經驗。

The EAA receives a delegation from the Dubai Real Estate Institute. Views and regulatory experiences are exchanged and shared during the meeting.



11/2018

監管局向地產代理業界代表提供有關《打擊洗錢及恐怖分子資金籌集條例》的培訓，以作為參與由財務特別行動組織進行的相互評估作準備。

The EAA organises training on Anti-Money Laundering and Counter-Terrorist Financing Ordinance for the estate agency trade representatives in preparation for the Mutual Evaluation conducted by the Financial Action Task Force.



考試 Examinations

| 營業員資格考試（電腦應考模式） Salespersons Qualifying Examination (Computer-based) | |
|--|---------------|
| 參加人數 No. of candidates | 合格率 Pass rate |
| 考試日期 Examination date 9/2021 | |
| 81 | 19% |
| 考試日期 Examination date 10/2021 | |
| 177 | 35% |
| 考試日期 Examination date 11/2021 | |
| 167 | 17.4% |

| 營業員資格考試（筆試應考模式） Salespersons Qualifying Examination (Paper-based) | |
|---|---------------|
| 參加人數 No. of candidates | 合格率 Pass rate |
| 考試日期 Examination date 10/2021 | |
| 1,023 | 27% |

| 地產代理資格考試 Estate Agents Qualifying Examination | |
|--|---------------|
| 參加人數 No. of candidates | 合格率 Pass rate |
| 考試日期 Examination date 9/2021 | |
| 1,094 | 29% |

牌照數目 (截至2021年11月30日)

Number of licences (As at 30/11/2021)

| | |
|---|--------|
| 營業員牌照 Salesperson's Licence | 23,140 |
| 地產代理(個人)牌照 Estate Agent's Licence (Individual) | 18,824 |
| 個人牌照總和 Total no. of Individual Licences | 41,964 |
| 地產代理(公司)牌照 Estate Agent's Licence (Company) | 3,925 |

營業詳情說明書 (截至2021年11月30日)

Number of statements of particulars of business (As at 30/11/2021)

| | |
|------------------------------|-------|
| 合夥經營 Partnerships | 160 |
| 獨資經營 Sole proprietorships | 1,604 |
| 有限公司 Limited companies | 5,458 |
| 總數 Total | 7,222 |

開立的投訴 (2021年1月至11月)

Number of complaint cases opened
(January to November 2021)

| |
|-----|
| 323 |
|-----|

已處理的投訴個案結果* (2021年1月至11月)

Results of completed complaint cases* (January to November 2021)

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

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



巡查次數 (2021年1月至11月)

Number of compliance inspections

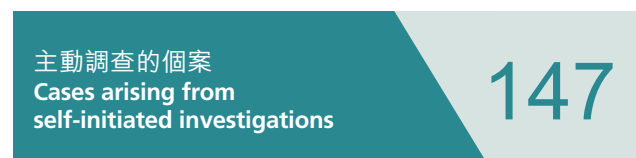
(January to November 2021)



巡查發現主動調查的個案 (2021年1月至11月)

Number of cases arising from self-initiated investigations during inspections

(January to November 2021)

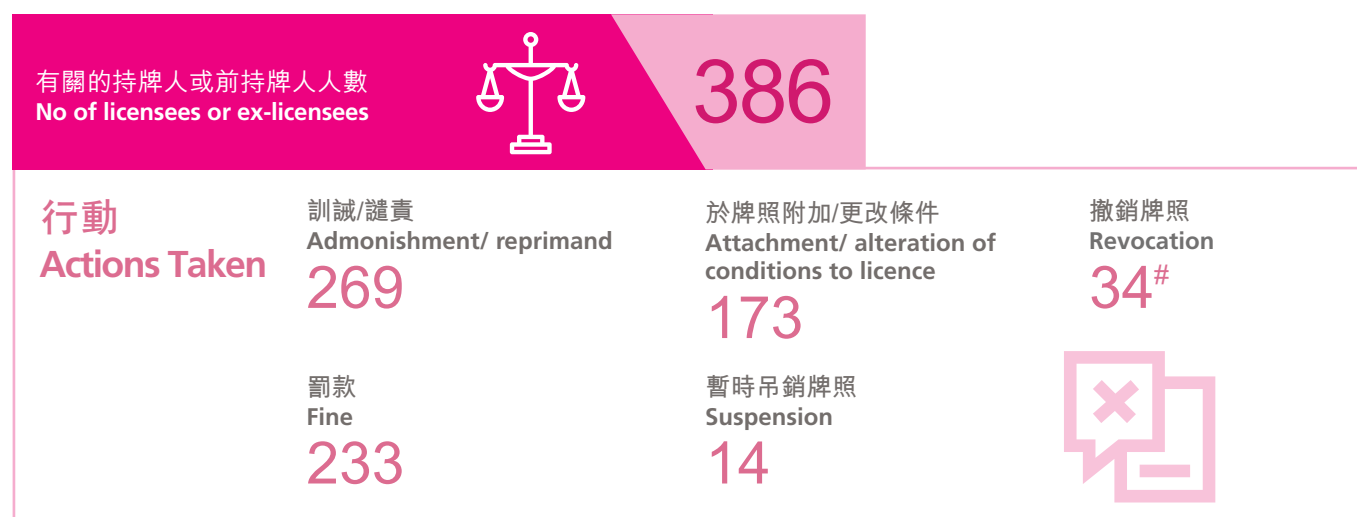


* 部分是往年展開調查的個案
Some cases were carried over from previous years



向持牌人或前持牌人採取的行動* (2021年1月至11月)

Actions taken against licensees or ex-licensees* (January to November 2021)



* 以上行動是根據《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，包括在批出牌照時在牌照上附加條件。部分是往年接獲的個案。

* These actions were taken pursuant to powers under the Estate Agents Ordinance. Some actions were disciplinary in nature whereas others were decided by the Licensing Committee which actions included the attachment of conditions to licences upon issuance. Some cases were carried over from previous years.

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 met the relevant licensing requirements.



地產代理監管局
ESTATE AGENTS AUTHORITY



(852) 2111 2777



www.eaa.org.hk

