

地產代理業務的疫下「新常態」

The “new normal” of estate agency business under the pandemic



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韓婉萍
行政總裁

Ruby Hon Yuen-ping
Chief Executive Officer

持牌人應經常保持「言之有物」及「與時並進」。筆者特別鼓勵那些在行內沒有太多經驗的新力軍參加多些培訓，除了涉及實務和技能的範疇之外，最重要是加深對監管局規例的認識。

Licensees should always keep up their "Ability" and "Advancement". Newcomers who do not have much experience in the industry are particularly encouraged to take more training not only about the practice and the skills but most importantly the regulations of the EAA.

致新入行人士的提點：持續進修及謹慎行事

A note for the newcomers: take CPD and be prudent

截至2021年5月31日，個人牌照總數為40,934人。雖然數字比起4月底有輕微回落，但其實個人牌照總數已在2021年上半年連續數月創新高。原因可能有兩個：更多的前持牌人再次入行，又或者有更多的新人加入了這個競爭激烈的行業。作為地產代理監管局（「監管局」）的行政總裁，筆者謹歡迎大家並在這裏提供一些建議。

地產代理行業的競爭是十分激烈的。對於專業和敬業的一群來說，前景不俗。但對於新入行或不符合專業標準的人士，則必須付出額外的努力。在此，筆者不得不提監管局近年一直推廣專業地產代理應具備的「三言兩與」“5A”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）。

其中，持牌人應經常保持「言之有物」及「與時並進」。筆者特別鼓勵那些在行內沒有太多經驗的新力軍參加多些培訓，除了涉及實務和技能的範疇之外，最重要是加深對監管局規例的認識。新入行的業界在致力完成第一宗生意的同時，也應努力參加第一堂課程。由監管局提供的《持續專業進修計劃》活動為新入行人士提供不少選擇，最近還將「網絡研討會／網上培訓課程」納入為《持續專業進修計劃》的活動模式，為持牌人提供了更大的靈活性。

另一個給新入行人士的重要建議是：在為你的客戶提供地產代理服務時，請時刻保持審慎，切勿違反相關規例。尤其是，不要匆忙將任何未經核實的物業資料提供給準買家或租客。誤導陳述不僅可能會導致客戶蒙受經濟損失，還可能招致投訴和可能被監管局紀律處分。

最後，筆者希望各位業界人士保持樂觀，對自己的職途目光放長遠一點。要達成成就必須努力，不能依靠捷徑。機會只會留給那些具備專業和敬業樂業的人。

The number of total individual licensees as of 31 May 2021 is 40,934. Though the figure has slightly decreased compared with 30 April 2021, the number of total individual licensees has been breaking the record for months in the first half of 2021. There may be two reasons: more former licensees returning to the profession, or more newcomers joining this competitive industry. As the CEO of the Estate Agents Authority (“EAA”), I would like to welcome you all and give you a bit of advice.

The competition in the estate agency industry is intense. For those who are professional and dedicated, the prospects do look bright. But for the newcomers and those who fail to meet the professional standard, extra effort must be made. I would like to remind you of the “5A qualities” of a professional estate agent that the EAA has been promoting in recent years, namely, “Adherence”, “Ability”, “Accountability”, “Advancement” and “Affinity”.

Among which, licensees should always keep up their “Ability” and “Advancement”. Newcomers who do not have much experience in the industry are particularly encouraged to take more training not only about the practice and the skills but most importantly the regulations of the EAA. Hence, while newcomers are striving to get their first deal done, they should also get their first class attended. The Continuing Professional Development (“CPD”) activities conducted by the EAA offer a lot of choices for newcomers. More recently, the EAA has also included “Webinar/ Online Training Class” as a new learning mode under the CPD Scheme, providing more flexibility for licensees.

Another important advice to the newcomers is: always stay prudent when providing estate agency services to your clients and do not infringe the relevant laws and regulations. In particular, please do not hastily provide any unchecked property information to potential purchasers or tenants. Misrepresentation might not only result in financial losses for customers but also attracts complaints and possible disciplinary actions by the EAA.

Stay optimistic and have a vision about your career future. There is no shortcut or quick win and only efforts will bear fruits. Opportunities are for those equipped with professionalism and dedication.



地產代理業務的疫下「新常態」 The “new normal” of estate agency business under the pandemic

全球受2019冠狀病毒病疫情影響已超過一年，抗疫多時，大部份人都已調整出一種疫下的營運新模式。各行各業受疫情打擊下積極建立嶄新的營運模式以克服困難和挑戰，地產代理業也不例外。今期《專業天地》會為持牌人提點一下，地產代理業務在這種「新常態」下要注意的事項。

保持社交距離

良好的個人衛生是減少新型冠狀病毒病傳播的其中一種有效措施。除了妥善配戴口罩，持牌人應該時刻保持地產代理商舖清潔，並要定期為商舖進行消毒及保持良好的通風系統，好讓客戶有一個安全舒適的環境。

As we have been fighting against the COVID-19 pandemic for more than one year, most of us have gradually got used to a new mode of operation under the pandemic. While different industries were hit hard by the pandemic, most of them have proactively developed new forms of operation to tackle the challenges and difficulties, the estate agency trade was not an exception. In this issue of *Horizons*, we would like to give a few reminders to licensees about this “new normal” in the estate agency business.

Maintaining social distance

Good personal hygiene is one of the crucial measures to reduce the spread of COVID-19. Apart from wearing a mask properly, licensees should always keep their estate agency shops clean in order to provide a safe environment for clients. It is important to conduct regular sterilisation and ensure good ventilation in estate agency shops.

此外，持牌人與同事間或其工作座位應儘量保持安全距離，避免握手等身體接觸，同時應時刻留意政府公布有關社交距離的最新措施，在從事地產代理工作時遵從相關指引。

不論在參與一手或二手住宅物業的推廣時（包括陪同客人視察物業或示範單位時），持牌人應遵守《預防及控制疾病（禁止羣組聚集）規例》下不時發出的要求。持牌人尤其要留意在一手住宅物業銷售處時保持社交距離，並遵從發展商的指引保持良好的秩序。

善用網上資源

地產代理業在「新常態」下，許多持牌人採用了網上宣傳甚至網上瀏覽樓盤。現在常見有持牌人透過短片介紹物業、並上載至不同的社交媒體平台，例如YouTube、Facebook及Instagram等，向一些不欲親身視察物業的潛在客戶作出推銷。部分短片甚至會加入虛擬實境（Virtual Reality）技術，試圖讓不在現場的客戶體驗模擬現場視察物業的感覺。

監管局亦留意到這個趨勢，亦希望向業界提供支援，提升持牌人利用智能電話拍攝短片的技能。在政府「防疫抗疫基金：技能提升配對資助計劃」的資助下，監管局將於2021年7月聯同香港大學專業進修學院舉辦一個名為「以智能電話製作樓盤影片」的全新持續專業進修計劃課程。有關報名詳情，請參閱監管局網頁（www.eaa.org.hk）。

在這個宣傳新趨勢下，持牌人應留意在發出物業廣告時，不論以何種形式或透過任何平台發出，均須遵守監管局相關規例及指引。例如，持牌人於發出住宅物業廣告前，必須取得業主的書面同意及確保所提供的物業資料是正確無誤的。

另外，廣告上清楚及可閱地述明物業編號及廣告發出或更新的日期。而在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），地產代理公司須在切實可行的範圍內盡快把廣告移去。

In addition, licensees should always keep a safe distance from colleagues or work stations wherever possible and avoid physical greetings such as handshaking. Licensees should also stay alert to the latest government policy on social distancing measures and comply with the relevant measures when carrying out estate agency work.

No matter when promoting first or second-hand properties (including accompanying clients to inspect a property or show flats), licensees should comply with the requirements imposed under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation from time to time. Licensees are strongly reminded to maintain social distance in particular at first-sale sites and follow the instructions of developers, in order to maintain good order.

Utilising online resources in practice

Under the “new normal” of estate agency, many licensees have adopted online promotions or even online browsing of properties. It is not uncommon to find licensees using videos to show the properties and post them online via different social media platforms, such as YouTube, Facebook and Instagram etc., in order to promote them to prospective clients who do not wish to visit the properties in person. Some videos are even embedded with the technology of virtual reality (VR) which try to stimulate real-life experience of viewing properties offsite.

In fact, the EAA notes this trend and is pleased to support the trade by enhancing licensees’ skills in video production using their smartphones. Under the Government’s Matching Grant Scheme for Skills Upgrading of the Anti-epidemic Fund, the EAA and HKUSPACE will launch a brand new CPD course titled “Common tools and mobile apps for video shooting and editing” in July 2021. For enrollment details, please refer to the EAA website (www.eaa.org.hk).





另一方面，受疫情所影響，持牌人與其客戶之間的不少實體會面已被網上即時通訊軟件或會議工具所取代。就此，持牌人要留意，必須與客戶妥善地訂立地產代理協議，並確保其提供予客戶的資料是有效及正確的。持牌人亦要留意在使用社交媒體及即時通訊軟件時有關客戶個人私隱的潛在風險，並採取必須的預防措施，例如設定密碼及啟用「點對點加密功能」以保障客戶的個人資料。

持牌人以電子形式向客戶傳送敏感資料前，應採取資訊保安措施（如設定密碼及加密功能）以減低客戶資料被竄改或外洩的風險。他們亦要留意，載有個人資料的文件/紀錄於使用後必須妥善處理。在這方面，局方建議持牌人閱覽個人資料私隱專員公署網頁以獲取更多有關保障個人資料的資訊及建議。

總結

科技日新月異，無疑改變了大家的生活方式，即使沒有受到疫情所影響，經營生意的模式都必然會有所進化。一個專業「5A」代理中的應具備的其中一個「三言兩與」特質，就是「與時並進」(Advancement)，這也正是地產代理在「新常態」下保持自己的競爭力的必要元素。然而，持牌人應保持警覺，縱使在新模式下的代理工作會變得更方便快捷，也要謹記遵從監管局的相關規定，時刻做個「5A」代理。

Under this new trend of promotion, licensees should note that when issuing advertisements, of whatever format or through whatever platform, they must comply with the regulations and guidelines of the EAA. For instance, licensees must obtain the vendor's written consent prior to the issuance of advertisements for residential properties and ensure that the property information provided in the advertisements is accurate.

Likewise, the Property Number as well as the Advertisement Date must be stated clearly and legibly on the advertisements. Moreover, advertisements must be removed as soon as practicable after the residential property concerned is no longer available for sale or leasing, or upon the termination of the estate agency agreement concerned (whichever is earlier).

On the other hand, due to the pandemic, many face-to-face meetings between licensees and their clients were replaced by online communications with instant messaging or conferencing tools. On this, licensees are reminded to enter into the estate agency agreement with their clients properly and ensure that all information they provide to clients is valid and accurate. In addition, licensees should note the potential risks to users' privacy when using social media and instant messaging apps and take necessary precautionary measures, for example, to set up passwords and enable the "end-to-end encryption" function to protect clients' personal data.

Licensees are advised to take information security measures (e.g. password protection or encryption) on sensitive information before transmitting it to clients through electronic means to reduce the risk of data tampering or data breach. Also, they should dispose of documents/records containing personal data properly after use. In this respect, licensees are advised to visit the website of The Office of the Privacy Commissioner for Personal Data for more information and practical advice on the protection of personal data.

Conclusion

As technology advances and people's lifestyle changes, modes of business operation will inevitably evolve, even without the impact of the pandemic. The attribute of "Advancement" that a "5A agent" should possess is exactly what it takes to keep an estate agent competitive under the "new normal". However, while the new modes of operations might be more convenient and effective for business, licensees should be prudent and cautious to comply with the relevant rules of the EAA and always be a "5A" agent.

節能有「理」嘉許計劃

Estate Agents Energy Saving Award Scheme



監管局主席廖玉玲太平紳士（前排左五）及行政總裁韓婉萍女士（前排右五）與業界代表出席「節能有『理』嘉許計劃」啟動儀式。

EAA Chairman Ms Elaine Liu, JP (fifth from left, first row) and Chief Executive Officer Ms Ruby Hon (fifth from right, first row) with trade representatives at the kick-off ceremony of the Energy Saving Award Scheme.

為鼓勵地產代理回饋地球，共同透過減低碳排放對抗全球暖化，地產代理監管局（「監管局」）於2021年4月推出「節能有『理』嘉許計劃」（「計劃」），有超過900間地產代理商戶報名參加。

此計劃歡迎所有持有效營業詳情說明書的地產代理商戶參與。參加商戶需比較2021年6月至10月與2020年同期之每月用電量。商戶只要在2021年6月至10月期間的每月用電量比2020年的同月份有所減少（其中任何一個月或以上），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，向公眾展示他們於節約能源上的貢獻。

為向地產代理業界介紹計劃，監管局於2021年4月29日舉行計劃啟動儀式，由監管局主席廖玉玲太平紳士主禮。主要商會均有派代表出席以示支持，同時呼籲業界參與計劃。

廖主席為儀式致歡迎辭時表示，監管局致力舉辦供業界參與的企業社會責任活動，例如

With a view to encouraging estate agents to contribute to the planet by joining hands in fighting against global warming through reducing carbon emissions, the Estate Agents Authority ("EAA") launched an "Estate Agents Energy Saving Award Scheme" ("Award Scheme") in April 2021. Over 900 estate agency shops have enrolled in the Award Scheme.

The Award Scheme welcomes all estate agency shops holding a valid statement of particulars of business to participate. Participating shops have to compare their monthly electricity consumption from June to October 2021 with the same months in 2020. Those shops with their monthly electricity consumption (in any one month or more) from June to October 2021 lower than the same month(s) in 2020 will be awarded with different levels of recognition. The awarded estate agency shops will be presented with a certificate and a window sticker with the award logo for shop display, so they can show the public their contribution to energy saving.

To introduce the Award Scheme to the estate agency trade, a kick-off ceremony officiated by the EAA's Chairman Ms Elaine Liu, JP was held on 29 April 2021. Representatives of major trade associations attended the ceremony to show their support and call for action from the trade.

In the welcome speech at the ceremony, Ms Liu mentioned that the EAA is committed to promoting the positive public image of estate agents

海岸清潔活動及社區服務建議比賽，以推廣地產代理的正面公眾形象。她感謝業界對過去活動的正面回應，並鼓勵地產代理商參與是次計劃，繼續保持回饋社會的精神。

有關計劃的詳情，請登入：

<http://csr2021.eaa.org.hk>

through organising corporate social responsibility activities for the trade, such as the Coastal Cleanup Day and Community Service Proposal Competition. She appreciated the trade's positive responses in the past campaigns and encouraged the estate agency shops to participate in the Award Scheme so as to maintain the momentum of contributing to the community.

For details of the Award Scheme, please visit: <http://csr2021.eaa.org.hk>



監管局主席廖玉玲太平紳士感謝各商會對「節能有『理』嘉許計劃」的支持。
EAA Chairman Ms Elaine Liu, JP, appreciates the support of various trade associations to the Estate Agents Energy Saving Award Scheme.

節能貼士

有越多地產代理商戶節省日常用電，為環境作出的貢獻就越多。請將以下節能貼士應用於商戶日常營運中，從今天起愛惜我們的地球！

- 💡 每晚營業時間過後，關掉櫥窗廣告燈箱的電源。
- 💡 將店內空調室溫調校並維持在攝氏24至26度。
- 💡 安排最後離開的員工檢查及關掉所有不需要的用電設備（包括每晚關門或所有員工均已外出會客時）。

更多商戶及辦公室的節能貼士，可登入：
<http://csr2021.eaa.org.hk/key-saving-tips.htm>

Energy saving tips

The more estate agency shops reduce their daily energy consumption, the bigger contribution to the environment can be made. Please apply the following energy saving tips in the daily routine of your shop operation and treasure our planet starting from today!

- 💡 Switch off the advertising light boxes after business hours every night.
- 💡 Set and maintain the shop's air-conditioned room temperature between 24°C and 26°C.
- 💡 When the shop is closed or when all staff are out meeting clients, arrange for the last-man-out to check and switch off the power source of all electrical appliances that are not in use.

More energy saving tips for shops and offices can be found at: <http://csr2021.eaa.org.hk/key-saving-tips.htm>



業界支持

Support from the Estate Agency Trade



陳翠珊副會長 地產代理管理協會
Ms Anita Chan
Vice-Chairman, Estate Agents Management Association

「減少用電不但可節省開支，又可保護環境，何樂而不為？」
“Reducing energy consumption not only saves on expenditure but also protects our environment, so why not?”



莊寶端主席 香港新界地產代理商聯會
Ms Chong Po-tuen
Chairman, H.K.N.T Estate Agents & Merchants Association

「參加嘉許計劃，加入減碳行列，為環保盡一份力。」
“Join the team to reduce carbon emissions by enrolling in the Award Scheme. Make your contribution to environmental protection.”



何潔芝主席 地產代理人員協會
Ms Rosanna Ho
Chairman, Property Agents Association

「一同參與「節能有『理』嘉許計劃」，珍惜地球資源。」
“Let’s join the Estate Agents Energy Saving Award Scheme and treasure the resources of our planet earth.”



郭昶會長 香港地產代理專業協會
Mr Anthony Kwok
President, Society of Hong Kong Real Estate Agents

「推動節能並不難，只要有決心，你我都做得到！」
“It’s not difficult to promote energy saving. With our determination, we can make it together!”



李景亮主席 香港房地產代理業聯會
Mr Lee King-leong
Chairman, Hong Kong Property Agencies Association

「積極參與節能計劃，向市民展現地產代理愛護地球的一面。」
“Take part in the energy saving scheme and show the public how estate agents love and treasure our planet.”



吳元興主席 地產代理（從業員）總公會
Mr Ng Yuen-hing
Chairman, Estate Agent Association

「一齊養成節能好習慣，慳錢之餘又減碳。」
“By cultivating an energy saving habit you can lower your expenses and your carbon emissions.”



施明如主席 香港地產代理商總會
Ms Karen Sze
Chairman, Hong Kong Real Estate Agencies General Association

「呼籲各位同業參與「節能有『理』嘉許計劃」，踏出減碳第一步！」
“Calling all estate agency practitioners to join the Estate Agents Energy Saving Award Scheme, take your first step to reduce carbon emissions!”



蔡志忠會長 香港專業地產顧問商會
Mr Raymond Tsoi
President, Hong Kong Chamber of Professional Property Consultants

「慳電一小步，減碳一大步！一起參加監管局的節能計劃！」
“Small step of energy saving, great step of reducing carbon emissions! Let’s join the EAA’s energy saving scheme!”

「境外置業實戰攻略」Facebook直播講座

Facebook live seminar titled “Practical tips for purchasing properties situated outside Hong Kong”



三位嘉賓講者及主持網上與觀眾分享見解，並解答他們的提問。（左起：楊書健先生、莊太量教授、呂婉瑩女士及梁德麗女士）

Three guest speakers with the host of the seminar shared their insights with the online audience and answered their questions. (From left to right: Mr Victor Yeung, Professor Terence Chong, Ms Janice Lui and Ms Juliet Leung)

監管局於2021年3月20日舉辦有關境外置業實戰攻略的Facebook直播公開講座。三位嘉賓講者分享他們對境外置業的見解及知識，吸引超過47,000人次觀看。

是次講座由資深傳媒人兼《信報財經新聞》編輯及主持的呂婉瑩女士擔任主持。在長約一小時的講座中，香港中文大學經濟學系副教授及劉佐德全球經濟及金融研究所常務所長莊太量教授分析他對環球經濟及不同國家物業市場的前瞻；安泓投資有限公司投資總監及香港大學房地產及建設系客席副教授楊書健先生則分享購買境外物業的要點。此外，監管局規管及法律總監梁德麗女士介紹持牌地產代理銷售香港境外未建成物業時，需向客戶提供的重要文件。

有關講座的片段已上載至《信報財經新聞》的Facebook專頁（www.facebook.com/watch/?v=1194401484321946）、監管局網頁（www.eaa.org.hk）及監管局YouTube頻道（www.youtube.com/estateagentsauthority）。

The EAA conducted a Facebook live public seminar about the practical tips for purchasing properties situated outside Hong Kong on 20 March 2021. Three guest speakers shared their insights and their knowledge at the seminar which recorded over 47,000 views.

The seminar was hosted by seasoned journalist Ms Janice Lui, Editor and Anchor of the *Hong Kong Economic Journal*. During the one-hour seminar, Professor Terence Chong, Associate Professor of Economics of the Chinese University of Hong Kong and Executive Director of Lau Chor Tak Institute of Global Economics and Finance, shared his views on the outlook of the global economy and the property market of different countries; while Mr Victor Yeung, Chief Investment Officer of Admiral Investment Limited and Adjunct Associate Professor of Department of Real Estate and Construction of the Hong Kong University, talked about the important points-to-note when purchasing properties situated outside Hong Kong. In addition, Ms Juliet Leung, Director of Regulatory Affairs and General Counsel of the EAA, introduced the important documents that licensed estate agents should provide to their customers when selling uncompleted properties situated outside Hong Kong.

The video of the seminar is available on the Facebook page of the *Hong Kong Economic Journal* (www.facebook.com/watch/?v=1194401484321946), the EAA's website (www.eaa.org.hk) and the EAA's YouTube channel (www.youtube.com/estateagentsauthority).

香港個人資料私隱專員公署及 差餉物業估價署的提醒

Reminders from the Office of the Personal Privacy Commissioner for Personal Data and the Rating and Valuation Department



鑑於使用社交媒體及即時通訊軟件會為用戶的個人資料私隱帶來不容忽視的風險，香港個人資料私隱專員公署（「私隱公署」）推出了《保障個人資料私隱—使用社交媒體及即時通訊軟件的指引》供公眾參考，指引列出相關風險並提供減低風險的實用建議。

監管局鼓勵持牌人瀏覽該署網頁（www.pcpd.org.hk）閱覽上述指引，如有查詢，請聯絡私隱公署。



另外，差餉物業估價署（「估價署」）發文建議各持牌人在完成物業交易之前，提醒客戶有關繳納差餉及/或地租的責任，以及務須查閱並繳清有關物業的全部差餉及/或地租結欠，以避免因過期付款而須加繳附加費及政府採取法律行動追收欠款。

同時，估價署亦向持牌人介紹「電子差餉地租單服務」的好處，為登記用戶提供一個更便捷及環保的方法查閱電子差餉地租單並安排付款。

持牌人可於估價署或監管局網頁閱覽該篇文章。如有查詢，請聯絡估價署。



In view of the use of social media and instant messaging apps carries inherent yet non-negligible risks to users' privacy in relation to personal data, the Personal Privacy Commissioner for Personal Data ("PCPD") has issued a Guidance Note, namely "Guidance on Protecting Personal Data Privacy in the Use of Social Media and Instant Messaging Apps" for the public, highlighting the privacy risks involved and providing practical advice that will help to mitigate the risks.

The EAA encourages licensees to refer to the Guidance Note at its website (www.pcpd.org.hk) and contact the PCPD for any enquiries.



Meanwhile, the Rating and Valuation Department ("RVD") has issued an article to advise licensees to remind their clients of the liability of rates and/or Government rent and to take important steps in checking and clearing the property's overall outstanding balance of rates and/or Government rent before completing a property transaction to avoid any surcharge for late payment and the Government may take legal action to recover the outstanding amount.

In addition, the RVD would like to draw the attention of licensees about the benefit of using the eRVD Bill service, which provides a more convenient and environmentally friendly way for registered users to retrieve the electronic demand and arrange payment related to the rates and/or Government rent.

Licensees can refer to the article of the RVD at the RVD's or EAA's website and contact the RVD for any enquiries.



網絡研討會及網上學習活動

Webinar & e-Learning

自「網絡研討會/網上培訓課程」於2021年2月納入為持續專業進修計劃以來，監管局於3月至6月舉辦了多個網絡研討會以滿足網上持續進修這種新學習模式的需求，當中包括：物業轉易須知、物業租賃實務知識、掌握土地查冊以及理解物業產權負擔，向持牌人提供必須掌握的法律知識和實用技巧以應付日常的地產代理工作。此外，監管局亦邀請了其他監管機構擔任演講嘉賓，例如：廉政公署、平等機會委員會及一手住宅物業銷售監管局，主講不同主題的網絡研討會，以進一步提升持牌人的專業水平及知識。



另一方面，為加強持牌人對反洗錢及反恐怖分子資金籌集有關法規的認識，監管局與保安局禁毒處及聯合財富情報組於四月推出兩個「網上學習活動」：《打擊洗錢及恐怖分子資金籌集（上） - 客戶盡職審查及備存紀錄規定》及《打擊洗錢及恐怖分子資金籌集（下） - 舉報可疑交易》。同時，監管局亦推出三個新的「網上學習活動」，分別為：《執業實務陷阱系列 - 拆解違規個案（3）》、《一手住宅物業銷售條例簡介》以及《一手住宅物業銷售條例對銷售及宣傳的規定》。監管局將會推出多個網絡研討會及網上學習活動，以協助持牌人不斷學習。

Since the recognition of Webinar/Online Training Class as a learning mode under the CPD Scheme in February 2021, the EAA has launched a number of webinars during March to June, including "Essential Knowledge on Conveyancing Practices", "Practical Knowledge on Tenancy Matters", "Mastering Land Searches" and "Understanding Encumbrances" to meet the demands on continuing development through this new learning mode. These webinars provide licensees with legal knowledge and practical skills for their application in the daily estate agency work. Besides, the EAA also invited representatives of other regulatory bodies, such as Independent Commission Against Corruption, Equal Opportunities Commission as well as Sales of First-hand Residential Properties Authority to deliver webinars on various topics with a view to further enhancing the professionalism and knowledge of licensees.

Furthermore, to enhance licensees' understanding of the legal and regulatory requirements in relation to anti-money laundering and counter-terrorist financing, the EAA, in collaboration with the Narcotics Division of the Security Bureau and the Joint Financial Intelligence Unit, launched two e-Learning programmes in April, which are Compliance of Anti-Money Laundering and Counter-Terrorist Financing Requirements Part 1 and Part 2. In the meantime, three new e-Learning programmes were also launched, namely "Practice Traps Series – Analyses of Non-compliance cases (3)", "Sales of First-hand Residential Properties (Part 1)" and "Sales of First-hand Residential Properties (Part 2)". The EAA would launch more webinars and e-Learning activities to facilitate licensees' continuous learning.

「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。今期我們訪問了美聯集團，該公司自2008年計劃推出已積極參與，亦是其中一間連續7年最多分行獲頒發「專業進修嘉許獎章」。

1. 參與「商舖嘉許獎章」對貴公司及員工有何得著？

美聯集團一直鼓勵員工持續進修以提升專業水平，更藉著參與「商舖嘉許獎章」計劃以推動行業的認受性。地產代理行業競爭激烈，而取得「獎章」能讓公司從眾多代理中脫穎而出。曾經有客人因分行獲取「獎章」而將其物業委託我們作獨家放盤。由於他非常滿意同事的表現，其後更轉介其家人及朋友惠顧，可見取得「獎章」可提升員工競爭力、協助員工發展其事業、為公司建立專業形象及提升大眾對行業的信心，達致「四贏局面」。

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後，美聯大學堂已開始將內部課程申請為CPD課程，持續為員工提供多元化的專業培訓。培訓課題除了涵蓋實務知識、軟性技巧及管理技巧，亦會按行業趨勢提供季度專題講座，如網上營銷策略。員工亦可透過線上學習平台隨時隨地學習，增進知識。



In Horizons, we will interview a number of the awarded estate agencies with CPD Mark for Estate Agencies Award ("CPD Mark") to share their experience in facilitating their staff's continuous learning. In this issue, we interviewed Midland Holdings Limited (Midland) which has actively participated since the scheme launched in 2008 and had received the most CPD Marks for seven consecutive years.

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

Our company has been encouraging its staff to continue learning to improve their professional standards and to gain public recognition through participating in the "CPD Mark". The competition in the industry is keen, but the CPD Mark allows us to stand out from the crowd. One of our customers appointed one of our shops as the exclusive agency because of the CPD Mark. He was very satisfied with our staff's professional service and then referred other friends and relatives to Midland. This example shows that the CPD Mark can help improve our staff's competitiveness, develop their career, build up a professional image for Midland, and most importantly, to enhance the public's confidence in the industry, achieving a win-win situation.

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 "CPD Scheme", the "Midland University" has started registering internal training courses as CPD courses. To encourage our staff to actively join the training courses, we provide different training topics to staff, such as operational knowledge, soft skills and management skills. We also organise seminars on up-to-date topics, such as online marketing strategies, on a quarterly basis. Our staff can also learn anytime and anywhere through our e-learning platform

to enhance their knowledge.



紀律研訊個案 Disciplinary hearing case

提供不準確的物業資料

Providing inaccurate property information

引言

持牌人在提供物業資料予客戶時，必須盡量小心及盡一切應盡的努力去核實該些資料。倘若對物業資料的準確性存疑，應建議客戶尋求專業意見，否則有可能被監管局紀律處分。

Introduction

Licensees should exercise due care and due diligence when providing property information to clients. They should verify the information and advise their clients to seek professional advice if they are in doubt of the accuracy of the property information. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名準買家向地產代理表示他有意購買一個附有平台的物業，該名地產代理其後向他介紹一個單位。在視察單位時，該地產代理向準買家提供了一張顯示物業範圍的平面圖，並聲稱單位的睡房、客廳及平台均包括在物業範圍內。

準買家其後在該名地產代理安排下簽訂了臨時買賣協議。其後，他透過律師行得知，該代理提供的物業平面圖與註於土地註冊處的轉讓契圖則有所不同，平台有部分範圍並不屬於該物業。該準買家大感不滿，遂向監管局作出投訴。

Incident

A prospective purchaser told an estate agent that he was interested in purchasing a property with a flat roof. The estate agent then introduced a property to him. During the inspection, the estate agent provided the prospective purchaser a floor plan purportedly showing the ambit of the property and claimed that the area of the bedroom, the living room and the flat roof were all included in the floor plan.

After entering into the Provisional Agreement for Sale and Purchase with the estate agent, the purchaser found out from the solicitor that the assignment plan registered at the Land Registry was different from the floor plan provided by the estate agent, i.e. a portion of the flat roof actually did not belong to the property. Feeling aggrieved, the purchaser lodged a complaint with the EAA.

研訊結果

監管局紀律委員會認為，該地產代理有責任確保他所提供的平面圖上所顯示的資料是準確的，但他並沒有在向客戶提供平面圖前核實其準確性，也沒有提醒準買家就該平面圖所顯示的該物業範圍的準確性諮詢專業意見，因而違反了《操守守則》第3.5.1段，即「地產代理和營業員在履行職務時必須盡量小心和盡一切應盡的努力」。

考慮到個案的性質以及該地產代理的違規紀錄，紀律委員會決定譴責該地產代理，向他罰款5,000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 estate agent had the duty to ensure the accuracy of the floor plan that he provided to his client, but he failed to verify the floor plan before giving it to the purchaser and also failed to remind the purchaser to seek professional advice on the accuracy of the ambit of the property shown on the floor plan. Hence, he was in breach of paragraphs 3.5.1 of the *Code of Ethics*, which stipulates: "Estate agents and salespersons shall, in fulfilling their duties, exercise due care and due diligence."

Having considered the nature and gravity of the case and the disciplinary record of the estate agent, the Disciplinary Committee decided to reprimand him, impose a fine of \$5,000 and require him to obtain 12 points in the Continuing Professional Development Scheme within 12 months.



李頌賢先生
地產代理管理協會會長
Mr Jimmy Lee
President of Estate Agents Management Association

業界意見 Comment from trade

地產代理應盡一切努力確保其提供予客戶的物業訂明資料的準確性，並應確保臨時協議內的資料均是真實及準確。倘若客人對於物業資料有任何疑問，地產代理應建議其尋求法律或其他專業意見。

Estate agents should exercise due diligence to ensure the accuracy of the stipulated property information they provide to their clients. They should also ensure the information in the provisional agreement is authentic and accurate. If the client has any queries on the property information, estate agents should advise them to seek legal or other professional advice.

紀律研訊個案 Disciplinary hearing case

有關推廣一手住宅物業的違規行為

Non-compliances in promoting first-hand residential property

引言

持牌人參與推廣一手住宅物業時，須謹記物業廣告只可由地產代理公司發出；同時，持牌人不得在展示宣傳物品及招攬生意時阻礙公共地方。這些違規行為會被監管局紀律處分。

Introduction

When participating in the promotion of first-hand residential properties, licensees should be aware that property advertisements may only be issued by estate agency companies, and placing promotional materials and conducting business-soliciting activities that would block public places are not allowed. Such non-compliances may be subject to disciplinary action by the EAA.

事件經過

一名營業員於一個商場外的行人路上展示一個一手住宅物業的易拉架廣告，並向路人派發該物業的宣傳單張。當監管局職員走近該廣告時，該營業員隨即向他遞上載有其聯絡資料的傳單並向他介紹物業的詳細資料。監管局職員遂警告該營業員，並要求他移除廣告及停止派發傳單。

Incident

A salesperson placed a pull-up banner advertisement of a first-hand residential property on a pedestrian path outside a shopping mall and distributed promotional leaflets of the said property to passers-by. When an EAA staff walked close to the advertisement, the salesperson intercepted him to distribute a promotional leaflet bearing his contact information and explained the details of the property to the EAA staff. The EAA staff then warned the salesperson and asked him to remove the pull-up banner and stop distributing the promotional leaflets.

研訊結果

監管局紀律委員會認為，該營業員以個人身份而非以地產代理公司名義發出物業的宣傳單張，違反了執業通告（編號13-04（CR））的指引，因而違反了《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」。此外，他亦因在公眾地方放置廣告及招攬生意，同時違反了《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受損及/或名聲受損的行為」。

考慮到個案的性質及該營業員的違規紀錄，紀律委員會決定對其作出譴責、罰款2,500元，並於其牌照上附加條件，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 was in breach of Practice Circular No.13-04(CR) as he issued the promotional leaflet in his own capacity and not in the company's and thus failed to comply with paragraph 3.2.1 of the *Code of Ethics*. He also failed to comply with paragraph 3.7.2 of the *Code of Ethics*, which states "estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade" as he placed advertising materials and solicit business in public places.

Having considered the nature and gravity of the case, as well as the disciplinary record of the salesperson, the Disciplinary Committee decided to reprimand him, impose a fine of \$2,500, and attached a condition to his licence, requiring him to obtain 12 points under the CPD 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
H.K.N.T. Estate Agents & Merchants Association

業界意見 Comment from trade

監管局紀律委員會的裁決合情合理，公正嚴明。監管局對持牌人宣傳手法的規管有助提升業界的專業水平，不但改善一手住宅銷售的不當銷售行為，亦可為消費者提供更多的保障。

The decision of the Disciplinary Committee is fair and justified. The EAA's regulations on the promotional practice of the trade not only helps enhance the trade's professional standard and minimise their malpractice in the sale of first-hand residential properties, but also provides better protection to consumers.

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".

「反洗錢」專區

Anti-Money Laundering (AML) Corner

以風險為本的方式監督業界就AML/CTF的合規工作下，每間地產代理公司均被劃分為不同的風險類別。為協助地產代理公司就反洗錢及反恐怖份子資金籌集方面進行自我評估，監管局現正向業界發出一份自我評估表格。地產代理公司的負責人須填妥表格並交回給監管局。監管局會參考表格內的資料，更新對各地產代理公司風險分類的評估。地產代理公司沒有或延誤向監管局透過表格提供資料，有可能影響本局對其風險分類的評估，以致本局會增加對其的監督及巡查。

Under the risk-based approach in supervision on the trade's AML/CTF compliance, estate agency companies are classified under different risk categories. To assist estate agency companies in conducting self-assessment on AML/CTF matters, the EAA is distributing a self-assessment form to the trade. Responsible persons of estate agencies are required to complete the form. With reference to the information provided in the form, the EAA will update the assessment on the risk classification for each estate agency company. Failure or delay in providing the required information by submitting the form to the EAA may affect the EAA's assessment on their AML/CTF risk classification, leading to the EAA stepping up its supervision and inspection to the estate agency companies concerned.

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 倘若我未能完成客戶盡職審查程序及核實客戶的身分，應採取甚麼行動以遵守有關地產代理業的反洗錢及反恐怖分子資金籌集的要求？

答 根據執業通告（編號18-01(CR)）第4.15段，如持牌人未能完成客戶盡職審查程序，其：

- (a) 不可與該客戶建立業務關係，亦不可與該客戶進行任何非經常交易；
- (b) 如其已與該客戶建立業務關係，必須在合理切實可行的範圍內盡快終止該業務關係；及
- (c) 應評估未能完成客戶盡職審查程序是否為知悉或懷疑有洗錢及/或恐怖分子資金籌集活動的情況及向聯合財富情報組提交可疑交易報告的理據。

此外，根據該通告第4.11及4.12段，持牌人須在建立任何業務關係或執行特定非經常交易之前完成客戶盡職審查程序。然而，如果（i）延遲核實客戶或實益擁有人的身分而可能引致的任何洗錢及/或恐怖分子資金籌集風險已獲有效管理；及（ii）為就客戶的業務正常運作不造成干擾，如此行事是必需的話；則持牌人可在建立業務關係之後才核實客戶及實益擁有人的身分。

Q If I am unable to complete the Customer Due Diligence ("CDD") process and verify a customer's identity, what should I do in order to comply with the requirements of anti-money laundering and counter-terrorist financing for the estate agency sector?

A According to paragraph 4.15 of Practice Circular No. 18-01 (CR) ("Circular"), where a licensee is unable to complete the CDD process, he:

- (a) must not establish a business relationship or carry out any occasional transaction with that customer;
- (b) must terminate the business relationship as soon as reasonably practicable if he has already established a business relationship with that customer; and
- (c) should assess whether failure to complete the CDD process provides grounds for knowledge or suspicion of money laundering, and/or terrorist financing and for filing an Suspicious Transaction Report with the Joint Financial Intelligence Unit.

Moreover, paragraph 4.11 and 4.12 of the Circular state that a licensee must complete the CDD process before establishing any business relationship or before carrying out a specified occasional transaction. However, licensees may verify the identity of the customer and any beneficial owner after establishing the business relationship, if (i) any risk of money laundering and/or terrorist financing arising from the delayed verification of the customer's or beneficial owner's identity is effectively managed; and (ii) this is necessary not to interrupt the normal conduct of business with regard to the customer.



監管局即將推出的持續專業進修計劃活動

為進一步提升持牌人的專業水平及知識，監管局委任了香港大學專業進修學院協辦兩個嶄新的《技能提升配對資助計劃》課程。此外，監管局亦邀請了不同界別的演講嘉賓舉辦各種主題的網絡研討會。有興趣的持牌人可到監管局網站報名。

日期	課程名稱	委任機構	語言	類別	活動模式
<ul style="list-style-type: none"> • 19/07/2021 • 26/07/2021 • 10/08/2021 	《技能提升配對資助課程》 - 以智能電話製作樓盤影片 立即報名  	香港大學專業進修學院	粵語	全面提升發展	面授講座及網絡研討會
<ul style="list-style-type: none"> • 28/07/2021 • 25/08/2021 • 29/09/2021 	《技能提升配對資助課程》 - 土地查冊學英文 立即報名  		粵語	合規及有效管理	

日期	課程名稱	語言	類別	活動模式
23/07/2021	認識綠色建築與理解售樓書上的強制性綠建資訊	粵語	合規及有效管理	網絡研討會
05/08/2021	地產代理業防止賄賂措施（管理人員）	粵語	合規及有效管理	網絡研討會

其他活動 Other activities

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
15/07/2021	15:30-17:30	《競爭條例》網上講座	粵語	免費

請瀏覽以下網頁了解詳情及登記：

www.compcomm.hk/tc/media/campaigns_events/events_apply.php?id=20210303154831826566

查詢電話：3952 0881





監管局以視像會議形式與業界主要代表舉行聯絡會議，會上提到有關「節能有『理』嘉許計劃」、常見違規個案、反洗錢的最新消息及即將舉行的持續專業進修活動等等。

The EAA holds a liaison meeting with major trade representatives by video conferencing. The Estate Agents Energy Saving Award Scheme, common non-compliance, updates on the AML issue and upcoming CPD activities are discussed in the meeting.



監管局於柴灣區舉行與前線持牌人交流的聚焦小組會議。席間，監管局代表與出席的持牌人談及關於發牌、規管及持續專業進修等不同範疇的事項，而持牌人則分享其日常執業所遇到的問題。

The EAA holds a focus group meeting with frontline licensees in Chai Wan District. During the meeting, EAA representatives discuss with the participating licensees on matters about licensing, compliance and CPD while licensees also shared the issues they encountered in their daily practice.



監管局與運輸及房屋局轄下的劏房租務管制研究工作小組進行會議，討論在當局建議的劏房新監管制度下，可能涉及地產地理的新要求。

The EAA holds a meeting with the Task Force for the Study of Tenancy Control of Subdivided Units under the Transport and Housing Bureau to discuss the possible new requirements for estate agents under the proposed new regulations for subdivided units.





06/2008

監管局推出「地產代理商舖專業進修嘉許獎章」，鼓勵地產代理公司積極參與持續專業進修計劃活動。

The EAA introduced the "CPD Mark for Estate Agencies Award Scheme" to encourage estate agency shops to participate in more Continuing Professional Development ("CPD") activities.

05/2010

監管局就發出有關一手樓盤銷售的執業通告向地產代理公司管理層闡釋通告的主要內容。

The EAA explained the key points of the practice circulars regarding the sale of first-hand properties to the management of estate agency companies.



06/2015

監管局發出有關申報一手住宅物業銷售中已遞交的購樓意向登記的執業通告。

The EAA issued a practice circular on the declaration of submission of registrations of intent in the sales of first-hand residential properties.

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 5/2021	
92	32.6%

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 3/2021	
659	38.4%

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 5/2021	
1,218	15.3%

牌照數目 (截至2021年5月31日) Number of licences (As at 31/5/2021)

營業員牌照 Salesperson's Licence	22,586
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地產代理(個人)牌照 Estate Agent's Licence (Individual)	18,348
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個人牌照總和 Total no. of Individual Licences	40,934
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地產代理(公司)牌照 Estate Agent's Licence (Company)	3,900
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營業詳情說明書 (截至2021年5月31日)

Number of statements of particulars of business (As at 31/5/2021)

合夥經營 Partnerships	166
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獨資經營 Sole proprietorships	1,558
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有限公司 Limited companies	5,346
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總數 Total	7,070
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開立的投訴 (2021年1月至5月)

Number of complaint cases opened (January to May 2021)

153

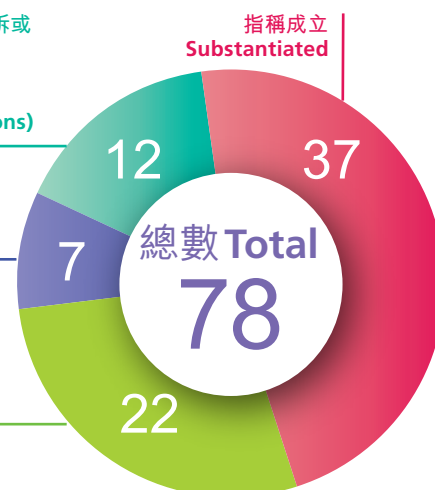
已處理的投訴個案結果* (2021年1月至5月) Results of completed complaint cases* (January to May 2021)

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5月)

Number of compliance inspections

(January to May 2021)



巡查發現主動調查的個案 (2021年1月至5月)

Number of cases arising from self-initiated investigations during inspections

(January to May 2021)

主動調查的個案
Cases arising from
self-initiated investigations

52

主動調查而指稱成立的個案*
Cases completed from
self-initiated investigations and
were substantiated*

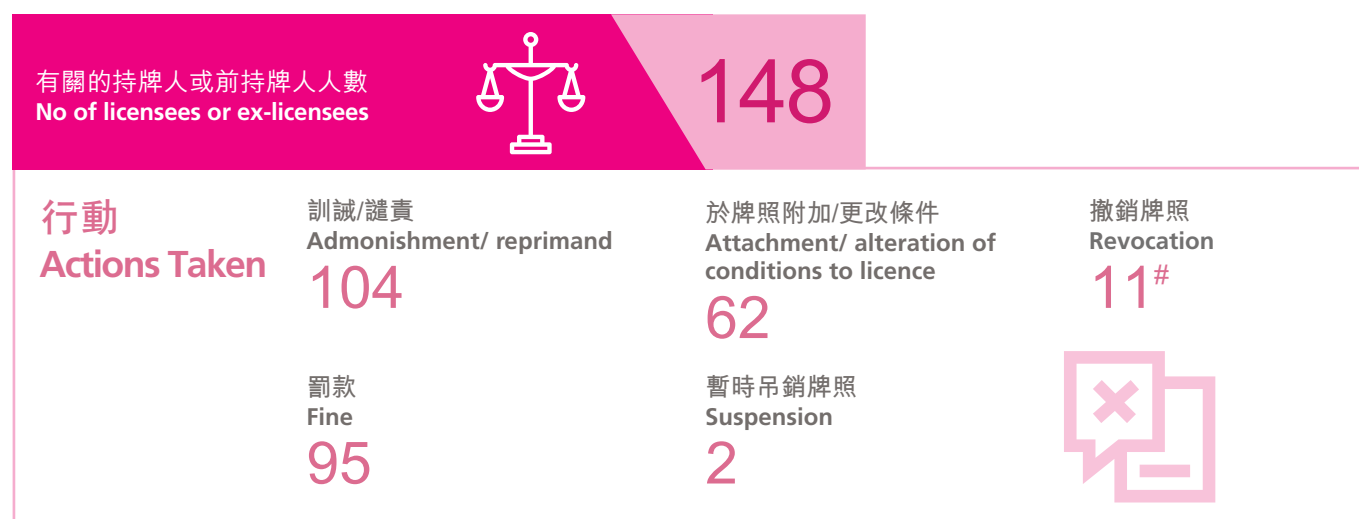
59

* 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5月)

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



EAA 地產代理監管局
ESTATE AGENTS AUTHORITY

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