

監管局25周年紀念 EAA 25th Anniversary

成就專業 服務香港

Together we
Establish,
Advocate and
Achieve

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韓婉萍
行政總裁

Ruby Hon Yuen-ping
Chief Executive Officer

“

監管局不遺餘力地提升業界水平，務求令行業成為值得市民信賴和尊重的專業，同時加強對業界的規管，推動消費者教育，讓業界為香港作出更大貢獻。

the EAA has spared no effort in elevating the trade to a profession worthy of public trust and respect, strengthening trade compliances and promoting consumer education, so that the trade can make greater contributions to Hong Kong.

”

成就專業 服務香港

Together we Establish, Advocate and Achieve

監管局25週年的主題是「成就專業 服務香港」(Together we Establish, Advocate and Achieve)。

令監管局「成就專業」的其中一項關鍵元素，就是教育地產代理行業和公眾。

一直以來，監管局不遺餘力地提升業界水平，務求令行業成為值得市民信賴和尊重的專業，同時加強對業界的規管，推動消費者教育，讓業界為香港作出更大貢獻。

要將地產代理行業塑造成一個值得公眾信任和尊重的職業，並不是監管局可以獨力完成的工作。行業的自覺性和努力是不可或缺的。持牌人應時刻謹記，成為「5A代理」並不僅是宣傳口號，更是他們應該達到的真正目標。公眾和監管局都期望，地產代理在任何時刻都保持專業。

在進行地產代理工作時，持牌人應一直以專業方式行事，否則，即使監管局作出多少正面宣傳，行業的形像也將無法維持，甚至可能會受損。

例如，在加強教育和執法方面的共同努力後，一手樓銷售處的秩序有了很大改善。對此，我們感謝發展商的合作和地產代理公司的努力。另一方面，持牌人在推廣二手物業或示範單位時，不應採用誇眾取寵的宣傳手法，以吸引消費者的注意。廣告可以有創意，但請緊記你希望向公眾展示一個怎樣的形象。

在瞬息萬變的環境下，業界和監管局都需要因應最新發展而作出迅速反應。但當中重要的是，我們的核心專業標準和誠信不被動搖。

The theme of the EAA's 25th Anniversary is "Together we Establish, Advocate and Achieve (成就專業 服務香港)".

One of the key elements contributing to the successful achievements of the EAA is to advocate for the estate agency trade and the public.

All along, the EAA has spared no effort in elevating the trade to a profession worthy of public trust and respect, strengthening trade compliances and promoting consumer education, so that the trade can make greater contributions to Hong Kong.

To shape the estate agency industry into a profession worthy of public trust and respect is not a task that can be accomplished by the EAA alone. The trade's self-awareness and efforts are a must. Licensees should always remember that being a "5A agent" is not only a slogan but a real target that they should achieve. The public and the EAA expect estate agents to uphold professionalism at all times.

When conducting estate agency work, licensees should always act in a professional manner or else the image of the trade could not be maintained or might even be tarnished, despite how much positive publicity the EAA generates.

For example, after concerted efforts made to improve education and enforcement, the order at first-sale sites has improved considerably. We appreciate the cooperation of the developers and the efforts made by the estate agency companies. On the other hand, when promoting second-hand properties or show flats, licensees should not adopt exaggerated promotional gimmicks to attract consumers' attention. Advertising can be creative but do remember what image you wish to project to the public.

Under a rapidly changing environment, both the trade and the EAA will need to act swiftly and responsively according to the latest development. But it is important that we must not compromise our core professional standards and integrity.



地產代理監管局25周年誌慶

Celebrating The EAA's 25th Anniversary



地產代理行業蛻變25載

今年是《地產代理條例》頒布及地產代理監管局（「監管局」）成立25周年誌慶。25年來，監管局對地產代理行業力求完善的規管，提升地產代理專業水平，以及加強保障消費者權益上一直擔當重要角色。經歷了幾許跌宕起伏，監管局依然致力秉承專業精神，引領業界穩步發展。

成就專業 服務香港

25周年主題為「成就專業 服務香港」，這主題不僅見證了過去四分之一世紀以來監管局的成果和進展，也反映了我們帶動業界與時並進、為推動香港繁榮發展一同努力。過去我

25 Years of Transforming the Estate Agency Industry

This year marks the 25th anniversary of the promulgation of the Estate Agents Ordinance and the establishment of the Estate Agents Authority ("EAA"). For 25 years, the EAA has been playing a pivotal role in the pursuit of maintaining a well-regulated estate agency industry, uplifting the professional standards of all estate agents, as well as enhancing the protection of consumer interests. In the face of many ups and downs over the past years, the EAA has spared no efforts in upholding our professionalism, steering steady growth for the industry.

Together we Establish, Advocate and Achieve

The 25th Anniversary theme, "Together we Establish, Advocate and Achieve", not only reflects the achievements and advances of the EAA over the last quarter of a century but also refers to our role in leading the

們對地產代理的嚴格要求，以及發出的執業指引均促進了地產代理行業的發展，而監管局的持續專業進修計劃更幫助了業界掌握物業市場的最新趨勢與發展。這些年來，有賴業界和社會的堅定支持，才能造就出這些成果。適逢銀禧之年，監管局特別舉辦了一系列慶祝活動，與地產代理同業一同回饋社會。



探索香港物業市場

作為銀禧紀念的首個慶祝活動，監管局在2022年7月30日舉辦一個名為「香港物業市場回顧與前瞻」的公開講座，邀請了六位業界先驅與領袖回顧香港樓市多年來的發展、剖析物業市場現況及前景，同時探討地產代理行業歷年來的變化，以至大灣區房地產的箇中機遇，與觀眾分享其真知灼見。嘉賓講者亦特別提醒觀眾購買境外物業時要格外留意潛在風險，這亦是監管局推行消費者教育其中一項重點主題。

連繫業界與社區

慶祝活動一浪接一浪，繼公開講座之後，監管局隨即舉行了三場「地產代理服務長者日」，帶動地產代理業界履行企業社會責

任，與地產代理同業一同回饋社會。 industry to move with the times together for the prosperous development of Hong Kong. The stringent requirements for estate agents and all the practice guidelines issued in the past years have facilitated improvement for the estate agency trade, whereas the EAA's Continuing Professional Development scheme has helped the trade to stay abreast of the latest trends and developments in the ever-changing property market. That said, the remarkable achievements over the years would not have been accomplished without the staunch support from the trade and the community. At this silver jubilee anniversary, the EAA celebrates this special occasion with a series of initiatives, engaging the estate agency trade and giving back to the community.

Exploring the Hong Kong Property Market

As the first celebration activity, a public seminar titled "Retrospect and Prospects of Hong Kong Property Market" was successfully held on 30 July 2022 with the presence of six industry pioneers and leaders sharing their valuable insights on the development, current situation, and prospects

of the Hong Kong property market, the transformation of the estate agency industry over the years, as well as the opportunities arising from the property market of the Greater Bay Area. The guest speakers also reminded the audience of the potential risks of purchasing properties situated outside Hong Kong, which is also one of the major subjects of the EAA's consumer education initiatives.





任。監管局向地產代理業界招募義工，分別為香港島、九龍及新界區的長者服務。是次活動共有超過50位義工參與，除了探訪服務中心及上門接觸長者之外，義工亦與長者傾談了解他們的日常生活，並送出日用禮物包，給予長者一份關懷，盡顯業界「關懷有『理』」。有關監管局25周年紀念資訊，請瀏覽專題網站：25anniversary.eaa.org.hk

近距離了解地產代理的正面印象

在公眾眼中，地產代理的印象可能過於商業化，甚至對他們抱有偏見。為了讓公眾了解更多地產代理真實的一面，監管局夥拍知名YouTube頻道，製作兩段有關地產代理的專題影片。來自不同背景的地產代理將分享自己的故事、如何看待地產代理的角色，以及其工作職責以外的社區工作。專題影片將於10月推出，萬勿錯過。

堅守我們的使命

25周年紀念不是一個終結，而是監管局帶領地產代理業界邁向更高標準的新一章之始。憑藉多年來建立的堅實基礎，監管局將繼續與地產代理業界並肩，加快行業的正面發展，並與消費者同行，以持續教育來加強消費者權益。未來，監管局將繼續為香港社會作出貢獻。

Connecting the Industry and the Community

Celebration activities come in waves. Following the public seminar, three sessions of "Estate Agents Elderly Service Day" were then held with an aim to drive corporate social responsibility ("CSR") among the estate agency trade. Engaging volunteers from the estate agency trade, this volunteering activity targeted to serve the elderly in various districts of Hong Kong Island, Kowloon, and the New Territories. A total of over 50 volunteers visited elderly centres and homes, not only to chat with the elders but also to give away daily commodities gift packs,

showing the warmest regards and care from the estate agency trade. For more information about the EAA's 25th anniversary, please visit the anniversary website at: 25anniversary.eaa.org.hk

A Closer Look at the positive image of Estate Agents

The general public's image of estate agents might be that they are too business-oriented and sometimes even biased. Hence, with the aim of letting the public get to know more about estate agents' positive side, the EAA partnered with a famous YouTube channel to produce two special feature videos about estate agents. Estate agents with different backgrounds will be sharing their own stories, how they perceive the role of estate agents, as well as the community work which goes beyond their job duties. The videos will be rolled out in October and please stay tuned to watch the videos.

Adhering to our Mission

The 25th anniversary would not be a full stop but a new beginning of the EAA in the journey to reach new heights of estate agency standards. Riding on the solid foundation established over the past years, the EAA will keep on working hand in hand with the estate agency trade to accelerate the positive development of the industry and stand with the consumers to protect their interests through continual consumer education. In the years to come, the EAA will continue to contribute to Hong Kong society

監管局歡迎新任主席及副主席

The EAA welcomed new Chairman and Vice-chairman

香港特區政府早前宣布委任蕭澤宇BBS太平紳士接替廖玉玲太平紳士為監管局新任主席，並委任羅孔君BBS太平紳士為副主席，同於2022年7月29日起生效。

蕭澤宇先生加入監管局董事局已有八年，並於2020年11月起擔任監管局副主席。監管局行政部門期望與他緊密合作，並在他的英明領導下繼續追求卓越。監管局同時歡迎前董事局成員羅孔君女士再次加入監管局並擔任副主席。監管局董事局現時有正、副主席各一名，以及17名來自社會不同界別的普通成員，當中包括地產代理業界。有關監管局董事局成員的名單詳列於監管局網頁。

The HKSAR Government has announced the appointment of Mr Simon SIU Chak-yu, BBS, JP to succeed Ms Elaine LIU, JP as the new Chairman of the EAA Board and Ms Jane Curzon LO, BBS, JP as the Vice-chairman of the EAA, both effective from 29 July 2022.

Mr Simon SIU has been on the EAA Board for eight years and has held the position of Vice-chairman of the EAA since November 2020. The EAA Administration looks forward to working closely with him and will continue to strive for excellence under his able leadership. The EAA also welcomes the return of Ms Jane LO, who also served on the EAA Board previously, with her new capacity as the new Vice-chairman. The EAA Board now consists of a Chairman, a Vice-chairman and 17 ordinary members from various sectors of the community, including the estate agency trade. The full list of the EAA Board members is available on the EAA's website.



監管局新任主席蕭澤宇BBS太平紳士
EAA's new chairman Mr Simon SIU Chak-yu, BBS, JP



監管局新任副主席羅孔君BBS太平紳士
EAA's new vice-chairman Ms Jane Curzon LO, BBS, JP

監管局前任主席廖玉玲女士自2008年11月加入監管局，曾歷任紀律委員會主席、牌照委員會主席、第28條調查小組主席及監管局副主席，至2020年11月獲委任為監管局主席。

The EAA's former Chairman Ms Elaine LIU has served the EAA Board since November 2008 and taken up different capacities including the Chairman of the Disciplinary Committee, Chairman of the Licensing Committee, Chairman of the Section 28 Investigation Panel and the Vice-chairman of the EAA, before she was appointed the EAA Chairman in November 2020.

廖女士在她出任區域法院法官前請辭，監管局行政部門感謝廖女士多年來的卓越領導。

Ms Liu tendered her resignation prior to her appointment as District Judge. The EAA's Administration is most grateful to Ms Liu's excellent leadership over the years.



監管局同時恭賀以下前任及現任成員獲香港特區政府授勳，包括：（左起）

- 梁永祥教授GBS太平紳士
- 張國鈞SBS太平紳士
- 羅孔君BBS太平紳士

At the same time, the EAA would also like to extend our hearty congratulations to the former and current members who have been awarded in the 2022 Honours List of the Government of the Hong Kong Special Administrative Region. They are namely: (from left)

- Professor William Leung Wing-cheung, GBS, JP
- Mr Horace Cheung Kwok-kwan, SBS, JP
- Ms Jane Curzon LO, BBS, JP



梁永祥教授GBS太平紳士
Professor William Leung Wing-cheung, GBS, JP



張國鈞SBS太平紳士
Mr Horace Cheung Kwok-kwan, SBS, JP



羅孔君BBS太平紳士
Ms Jane Curzon LO, BBS, JP

監管局回顧 2022年上半年工作 及簡介下半年工作重點

The EAA reviews its work in the first half of 2022 and introduces its initiatives for the second half



監管局前主席廖玉玲太平紳士（右）及行政總裁韓婉萍女士（左）於新聞發布會上回顧局方在2022年上半年的工作，並簡介下半年的工作重點。

EAA former Chairman Ms Elaine LIU, JP (right) and Chief Executive Officer Ms Ruby HON (left) review the EAA's work in the first half of 2022 and introduce its initiatives for the second half in the press conference.

監管局於2022年7月21日恢復舉行實體新聞發布會，以回顧局方2022年上半年的工作概況，並簡介下半年的工作重點。

受到第五波疫情影響，部分資格考試被取消，導致考生人數大幅下跌。另外，實體巡查次數雖然有所減少，但因應網上廣告愈來愈普及，局方增加了網上廣告的抽查次數。

另一方面，監管局接獲的整體投訴個案亦有所減少。局方上半年共接獲106宗投訴個案，較去年同期大減45%。當中只有11宗涉及境外物業的投訴，同樣錄得明顯按年跌幅。

踏入2022下半年，監管局會繼續加強整體規管工作，並致力推動消費者教育，特別是提醒公眾有關購買境外物業的風險。

The EAA resumed a face-to-face format for holding a press conference on 21 July 2022 to review the EAA's work in the first half of 2022 and introduced its initiatives for the second half.

Due to the fifth wave of the pandemic, the number of candidates recorded a sharp decrease as a few qualifying examinations were cancelled. Despite a reduction of physical inspection checks, the EAA has enhanced its online inspections due to the rising popularity of online advertisements in recent years.

On the other hand, the number of complaints received by the EAA have shown a decline. A total of 106 cases were received during the first half of 2022, a sharp decrease of 45% compared to the same period of last year. Only 11 cases were about properties situated outside Hong Kong, which also reflected a sharp year-on-year decrease.

Stepping into the second half of 2022, the EAA will continue to strengthen its overall regulatory work, while increasing its efforts in consumer education. In particular, on the issue of purchasing properties situated outside Hong Kong, the EAA will further publicise the associated risks to consumers.

境外樓花買唔買？計過風險先好買！

To buy or not to buy off-plan properties outside Hong Kong?
Assess the risks before you buy!

有鑑於愈來愈多香港人購買境外未建成物業及當中的潛在風險，監管局期望透過公眾教育，提醒消費者在購買此類物業時要格外警惕。

整個公眾教育宣傳計劃包括簡單易記的標語和有關購買境外樓花的注意事項，並透過傳統和網上多媒體渠道向大眾宣揚訊息。當中，「境外樓花買唔買？計過風險先好買！」標語特別帶出在購買境外樓花時必須小保障個人權益。

是次宣傳計劃的精簡表達方法及多平台有效宣傳方式，獲得國際地產代理業規管及政策制定機構組織－房地產牌照司法人員協會（Association of Real Estate License Law Officials）頒發教育獎（消費者教育）。這已是監管局第二次獲得此項國際殊榮，進一步肯定了監管局在消費者教育方面的努力。

監管局鼓勵地產代理業界在製作宣傳資料時，加入購買境外樓花注意事項的訊息，亦歡迎業界直接使用監管局製作的標語，以宣傳購買境外樓花的潛在風險，同時能提醒準買家，加強保障消費者權益。

了解更多購買境外樓花的注意事項：Outsidehk.eaa.org.hk

Concerning the rising number of Hong Kong people purchasing uncompleted properties outside Hong Kong (“UPOH”) and the potential risks thereof, the EAA alerts the public to be extra vigilant in such purchases through a public education programme.

The programme includes easy-to-remember taglines and important points-to-note regarding the issue and they are being promoted to reach the mass public through conventional and online multimedia channels. In particular, the tagline **“To buy or not to buy non-local off-plan properties? Assess the risks before you buy!”** reinforces the message of protecting one’s interests with careful consideration with a highlight on non-local uncompleted properties.

The consumer education programme about UPOH has been granted “The Education Award (Consumer Education)” by the Association of Real Estate License Law Officials (“ARELLO”) recently for its easy-to-absorb expression of complicated information and effective dissemination across various platforms. This is the second time for the EAA to receive this international accolade and it further recognises the EAA’s extensive efforts in consumer education.

The EAA encourages the adoption of this key message and always welcomes the usage of the tagline by the estate agency trade in their own promotional materials for the advocacy of potential risks in purchasing UPOH, which could serve as a direct reminder to the potential buyers and thus enhance the protection of consumer interests.

To learn more about the practical tips for buying UPOH: Outsidehk.eaa.org.hk



處理出租「規管租賃」的新指引

New guidelines on handling the letting of “regulated tenancies”



就公眾關注有關保障基層租客的利益，政府推出《業主與租客（綜合）條例》（《條例》）第IVA部下對分間單位（俗稱「劏房」）的新租務管制制度，並已於2022年1月22日起生效。

由於地產代理有可能處理受《條例》第IVA部所規管的分間單位租賃（即「規管租賃」），監管局發出執業通告22-01（CR）以制定指引讓持牌人遵從，該指引與《條例》第IVA部同日生效。

由於違反《條例》第IVA部的規定有可能觸犯法例，持牌人必須提醒客戶留意相關的罪行和罰則。為利便業主遵守相關法定要求，在分間單位的「規管租賃」中代表業主行事的持牌人，應（除非業主客戶以書面方式表示他將直接處理該事宜）於簽訂租賃協議後安排將租賃協議加蓋印花，並在「規管租賃」的租期開始後的60日內，安排向差餉物業估價署（「差估署」）署長提交租賃通知書（表格AR2），通知他有關租賃的詳情。

此外，持牌人必須提醒客戶留意，業主如要求租客繳付分間單位的任何指明公用設施及服務的收費的付還，或以其他方式從租客收取該等收費的付還，而所涉款項超過業主向租客提供的書面帳目中就有關分間單位顯示的經分攤款額，將構成違反《條例》的罪行。

In response to public concern on protecting the interests of grass-root tenants, the Government implemented a new tenancy control regime on subdivided units (“SDUs”) under Part IVA of the Landlord and Tenant (Consolidation) Ordinance (“Ordinance”) which came into effect on 22 January 2022.

Since estate agents may handle tenancies in respect of SDUs which are subject to Part IVA of the Ordinance (i.e. “regulated tenancies”), the Estate Agents Authority issued a practice circular (No. 22-01 (CR)) setting out the relevant guidelines for licensees to follow, which came into effect on the same date as Part IVA of the Ordinance.

Since non-compliance with the requirements under Part IVA of the Ordinance may constitute an offence, licensees are required to draw their clients’ attention to the relevant offences and penalties. To facilitate the landlord’s compliance with the relevant statutory requirements, licensees who act for the landlord in a “regulated tenancy” of an SDU should (unless the landlord client has otherwise indicated in writing that he/she would handle the matter directly) arrange for the stamping of the tenancy agreement after it has been entered into and the submission of the relevant Form AR2 to notify the Commissioner of Rating and Valuation of the particulars of the tenancy within 60 days after the term of a “regulated tenancy”.

In addition, licensees are required to draw the clients’ attention that it would constitute an offence under the Ordinance if the landlord requires the tenant to pay for, or the landlord otherwise receives from the tenant, the reimbursement of the charges for any of the specified utilities and services for the SDU at a sum exceeding the apportioned amount for the SDU as shown in the account in writing provided by the landlord to the tenant.

持續專業進修講座－樓宇發展如何符合 《一手住宅物業銷售條例》

CPD Seminar on "How building developments comply with the Residential Properties (First-hand Sales) Ordinance"



為讓持牌人明白發展商於樓宇發展時如何符合《一手住宅物業銷售條例》的要求，監管局於2022年8月16日邀請了香港測量師學會協辦一場名為「樓宇發展如何符合《一手住宅物業銷售條例》」的持續專業進修講座，並由其代表溫偉明測量師擔任主講嘉賓。

講座期間，講者向持牌人講解《一手住宅物業銷售條例》對發展商的要求，以及分享了多個有關違反售樓說明書、價單、銷售安排和廣告要求的案例及其罰則。持牌人反應熱烈及於問答環節中踴躍發問。是次講座共有218名持牌人出席，參加者均對講座給予正面的評價和支持。

In collaboration with the Hong Kong Institute of Surveyors (HKIS), the Estate Agents Authority organised a CPD seminar titled "How building developments comply with the Residential Properties (First-hand Sales) Ordinance" on 16 August 2022 with the representative of HKIS, Sr Tony Wan, be the guest speaker.

During the seminar, Sr Wan explained to the licensees the requirements for property developments under the Residential Properties (First-hand Sales) Ordinance, with a view to allowing licensees to apprehend how developers could meet the requirements of the Ordinance during property developments, and shared a number of cases in relation to the breaches of the sales brochures, price lists, sales arrangements and advertising requirements. The licensees responded enthusiastically and actively asked questions during the Q&A session. A total of 218 licensees attended the seminar and gave positive feedback.

緊記「三言兩與」—「言出必行」

Always be a “5A” agent – “A” for “Adherence”

監管局於2019年推出「5A」代理宣傳計劃，推廣專業地產代理應具備的「三言兩與」特質，提醒消費者委託具備該等特質的地產代理。自計劃推出以來，具代表性的「5A」代理廣受業界歡迎。

監管局會於《專業天地》中，提醒持牌人如何成為消費者尋求的「5A」代理。在今期的《專業天地》中，我們會首先談談「三言兩與」中的「言出必行」，亦即是英文「5A」代理中的第一個特質(Adherence)。

「言出必行」代表了地產代理在經營業務的過程中，必須秉持誠實、忠誠和嚴正的態度向客戶提供服務。倘若客戶向代理查詢有關物業的資料時，作為地產代理，必須以嚴正的態度及誠實的向客戶解答問題。

事實上，監管局發出的《操守守則》中亦有指明：「地產代理和營業員在經營過程中，必須秉持誠實、忠誠和嚴正的態度向客戶提供服務。他們應保障客戶在地產交易中不因欺詐、失實陳述或不合專業操守的行為而受損」。這反映了「言出必行」這個特質不單只是重要，而且也是成為專業地產代理的一個基本要求。

持牌人在為客戶提供地產代理服務時，應時刻保持審慎，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。

The EAA launched the publicity campaign of the “5A Agent” in 2019 to promote the important “5A” qualities that a professional licensed estate agent should possess, and which consumers should focus on when choosing an estate agent to appoint. The iconic 5A Agent has gained popularity among the trade since then.

Here in Horizons, we will remind licensees how to become this “5A agent” whom every consumer will look for. In this issue, we will talk about “Adherence” first.

“Adherence” refers to the requirement that an estate agent shall provide services to clients with honesty, fidelity and integrity. When clients ask for the information of a property, estate agents should respond to their questions in a serious and honest manner.

As a matter of fact, the *Code of Ethics* issued by the EAA also specifies that “estate agents and salespersons shall, in the course of business, provide services to clients with honesty, fidelity and integrity. They should protect their clients against fraud, misrepresentation or any unethical practices in connection with real estate transactions”. It reflects that such quality is not only important but also a basic requirement of being a professional estate agent.

Licensees should always be prudent when providing estate agency services to their clients. 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 loss for customers but also attracts complaints and possible disciplinary actions by the EAA.





紀律研訊個案 Disciplinary hearing case

發出虛假或誤導性物業廣告 Issuing an advertisement with false or misleading property information

引言

在發布物業廣告時，地產代理公司不得發出任何載有在要項上屬虛假或具誤導陳述或詳情的廣告，並應於發布前取得業主同意。否則有可能被監管局紀律處分。

Introduction

When issuing property advertisement, estate agency companies must not include any statements or material particulars that are false or misleading and should seek consent from the owner of the property in advance. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局接獲一宗有關兩個發布於網上物業平台廣告的投訴，有關的住宅物業廣告涉及誤導性資訊。該兩則廣告分別列出「988萬」、「租金港幣\$10,800」、某地產代理公司名稱及牌照號碼等字眼，讓消費者以為該地產代理公司已獲業主指示出售及出租物業。然而，經監管局調查後，發現該地產代理公司並沒有取得業主同意或指示。

Incident

The EAA received a complaint about two advertisements listed on an online property portal with misleading information of two residential properties. The advertisements included wording of “\$9.88 million” and “Rent for HK\$10,800” respectively together with the name of an estate agency company and its licence number, which implied to the consumers that the agency had obtained instruction from the owners to sell and lease the properties. However, after investigation, the EAA found that the agency did not have any consent or instruction from the owners of the properties.

研訊結果

監管局紀律委員會認為，該地產代理公司發出兩個載有在要項上屬虛假或具誤導陳述或詳情的廣告，違反了《地產代理常規（一般責任及香港住宅物業）規例》第9(1)條，即「持牌地產代理不得安排或准許發出任何全部或部分與其地產代理業務有關並載有在要項上屬虛假或具誤導性陳述或詳情的廣告。」

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共20,000元。

Result

The EAA Disciplinary Committee was of the view that the concerned estate agency company issued both advertisements on the internet which contained misleading information. Hence the agency was in breach of section 9(1) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, which stipulates that “a licensed estate agent shall not cause or permit to be issued an advertisement wholly or partly relating to his estate agency business which includes any statement or particular that is false or misleading in a material particular”.

Having considered the nature and gravity of the case and the disciplinary record of the estate agency company, the Disciplinary Committee decided to reprimand the company and imposed a fine of \$20,000 in total.



施明如女士
香港地產代理商總會主席
Ms Karen Sze
Chairman of Hong Kong Real Estate
Agencies General Association

● 業界意見 Comment from trade

從業員經常疏忽在廣告發布前，必須取得業主或委託人的同意方可向外發布廣告，該等內容亦必須得業主確認無誤，包括放盤租售價，另要留意廣告連同物業的相片發放時，該等相片是否與該物業屬實內容，否則便可能違反監管局規定條例，各同業應多加注意。

Practitioners have always neglected to obtain consent from the vendor/landlord before issuing property advertisements. The content of the advertisement should also have the consent from the vendor/landlord, including the listed price. In addition, the photos published with the advertisements must be accurate, otherwise it will be in breach of the regulations by the EAA. I hope that all fellow practitioners will pay more attention to this issue and always obtain all the consent required.

紀律研訊個案 Disciplinary hearing case

於行人路上擺放廣告牌對路人造成阻礙 Placing advertising boards on the pedestrian sidewalk causing an obstruction to pedestrians

引言

地產代理公司應緊記不可於行人路上擺放廣告牌，否則有機會被監管局紀律處分。

Introduction

Estate agency companies should bear in mind that they must not place any advertising boards on the pedestrian sidewalk. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局於巡查期間發現某地產代理公司於行人路上擺放了兩個不同的廣告牌，對路人造成阻礙或不便。而其中一個廣告牌涉及一個一手住宅樓盤，但該公司於發出此廣告前並未取得該一手樓盤賣方的書面同意。

Incident

During a compliance inspection by the EAA, an estate agency company was found to have placed two different advertising boards on the pedestrian sidewalk causing obstructions or inconvenience to the pedestrians. It was also discovered that one of the advertisements about a first-sale development was issued without obtaining the vendor's prior written consent.

研訊結果

監管局紀律委員會認為，該地產代理公司違反了《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。」同時，因該地產代理公司於發出一手物業廣告前並未取得有關賣方的書面同意，違反了《地產代理常規（一般責任及香港住宅物業）規例》第9(2)條。

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公司，並向其罰款共\$44,000。

Result

The EAA Disciplinary Committee pointed out that the concerned estate agency company failed to comply with paragraph 3.7.2 of the *Code of Ethics* issued by the EAA, which states that "estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade". It also failed to comply with section 9(2) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties), as it failed to obtain the vendor's written consent prior to the issue of the advertisement.

Having considered the nature and gravity of the case and the disciplinary record of the estate agency company, the Disciplinary Committee decided to reprimand the company and impose a total fine of \$44,000.



李景亮先生
香港房地產代理業聯會主席
Mr Lee King Leong Paul
Chairman of Hong Kong Property
Agencies Association

● 業界意見 Comment from trade

這宗案例明顯是違反監管局發出的《操守守則》。在公眾地方放置廣告牌不但影響行人，亦影響地產代理行業的形象，同時，該代理行於發出廣告前，並未有得到賣方的書面同意。此乃違反地產代理常規（一般責任及香港住宅物業）規例，希望代理公司要等特別留意。

The case has violated the *Code of Ethics* issued by the EAA. Placing an advertisement board in a public area not only disturbs pedestrians but may tarnish the image of the estate agency trade. In addition, the estate agency company did not obtain written consent from the vendor before issuing the advertisement. This was in breach of the Estate Agents Practice Regulation (General Duties and Hong Kong Residential Properties). I hope estate agency companies will pay more attention to this matter in the future.

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".



政府按照財務特別行動組織（「特別組織」）的要求更新了香港相關行業的風險評估後，於2022年7月公布最新一份《香港洗錢及恐怖分子資金籌集風險評估報告》。有關政府對香港地產代理業的風險評估部分，請參閱報告的第6.5段。

同時，特別組織也於2022年7月公布了一份國際性的《地產業界風險為本指引》，當中涵蓋對私營機構及監管機構的指引。該指引也包含了監管局就採取風險為本方案及實施相關外展教育計劃所作出的監管措施，以供其他管轄區之監管機構參考。

上述報告及指引已經上載至監管局網站（持牌人 > 「反洗錢」資訊專區 > 其他有用連結）供持牌人參考。

The Government published the latest issue of Hong Kong's Money Laundering and Terrorist Financing Risk Assessment Report in July 2022 after updated the risk assessment of various sectors in Hong Kong based on the requirements of the Financial Action Task Force ("FATF"). With respect to the Government's risk assessment of the estate agency sector in Hong Kong, please refer to section 6.5 of the Report.

FATF has also published an international Guidance for a Risk-based Approach to the Real Estate Sector in July 2022 which included guidance for private sector players as well as supervisors. The Guidance included EAA's supervisory practices in respect of adoption of a risk-based approach and implementation of an outreach educational programme as references for the regulatory bodies of other jurisdictions.

Both the Report and the Guidance have been uploaded on the EAA website (Licensees > Anti-Money Laundering (AML) Corner > other useful links) for licensees' reference.

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 業主與租客之間出現糾紛，希望提前取消租約，並要求我聯絡租客處理。作為代表業主的持牌地產代理，是否有責任處理一些後續的工作，例如協助業主解除租約或處理雙方之間的租務糾紛？

答 根據《地產代理條例》（「《條例》」），持牌地產代理受客戶委託處理住宅物業的租賃時，須與其客人簽立訂明的「地產代理協議」。「出租香港住宅物業用的地產代理協議」（「表格5」）內清楚列明地產代理對業主的責任，包括為業主安排租客視察物業；進行商議，並向業主提交所有有關於物業的要約；及協助業主與租客訂立具約束力的租契。

當地產代理安排有關物業訂立具約束力的租賃協議後，其他向業主客戶提供的服務如代業主收租、在租約完結時代業主收樓，或其他租務管理事宜，一般而言並不屬於《條例》下的「地產代理工作」。有關業主與租客的糾紛事宜，並不在監管局的規管範圍之內。持牌人可建議有關客戶另行徵詢法律意見或向負責執行《業主與租客（綜合）條例》的差餉物業估價署尋求協助。

Q A landlord is having disputes with his tenant and would like me to contact the tenant to cancel the tenancy agreement earlier than agreed. Being a licensed estate agent acting for the landlord, do I have the responsibility to handle these duties, such as assisting the landlord to cancel the tenancy agreement or handling the disputes between both parties?

A According to the Estate Agents Ordinance ("EAO"), licensed estate agents are required to sign the prescribed estate agency agreement with their client when dealing with the leasing of residential properties in Hong Kong. The Estate Agency Agreement for Leasing of Residential Properties in Hong Kong (Form 5) has clearly set out the duties of agent towards the landlord, which includes arranging for tenants to inspect the property; conduct negotiation and submit all offers in relation to the property to the landlord; and assist the landlord in entering into a binding lease with a tenant.

After arranging the enter into of a binding tenancy agreement, other services provided by the estate agent for his landlord client, such as receiving rental for the landlord, taking possession of the property for the landlord after the tenancy expires, or other tenancy management issues, are generally not "estate agency work" under the EAO. Matters regarding disputes between the landlord and his/her tenant are outside the EAA's purview. Licensees should advise clients to seek legal advice or contact the Tenancy Services Section of the Rating and Valuation Department, which is responsible for implementing the Landlord and Tenant Ordinance, for assistance.



監管局即將推出的持續專業進修計劃活動

Upcoming CPD activities offered by EAA

日期 Date	課程名稱 Course title	講者 Speaker	語言 Language	類別 Category
實務證書課程				
11/10/2022	物業租賃實務知識	監管局投訴及行動部主管 馬喜得律師	廣東話	合規及有效管理
25/10/2022	掌握土地查冊	監管局投訴部 高級助理經理 徐佩儀女士		
8/11/2022	理解物業產權負擔			
網絡研討會				
20/10/2022	地產代理業防貪講座 (管理人員)	廉政公署代表	廣東話	合規及有效 管理 全面提升發展
29/11/2022	香港會計師公會協辦- 物業印花稅概述	香港會計師公會代表 管秋英女士		
15/12/2022	Corruption Prevention Measures for Estate Agency Industry (Management)	ICAC Representative	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

香港個人資料私隱專員公署主辦活動

條例簡介講座 (*以視像形式進行)

日期	時間	語言	課程費用
21/10/2022	15:00-16:30	粵語	免費
16/11/2022			
6/12/2022			

查詢電郵：training@pcpd.org.hk

查詢電話：2877 7130



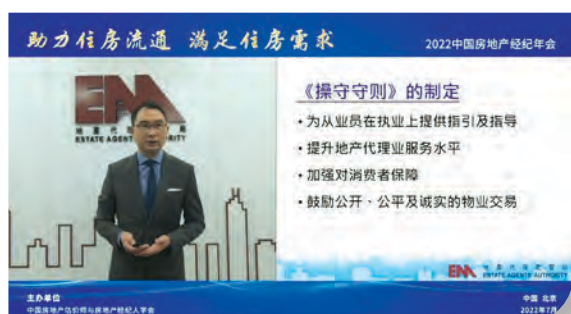
5-7-2022

監管局服務及專業發展總監王頌恩先生（左），代表監管局向基督教勵行會捐贈曲奇，以派發予居於劏房戶的基層家庭及兒童。

On behalf of the EAA, the EAA's Director of Service and Professional Development Mr Ivan Wong (left) donates cookies to Christian Action for distributing to underprivileged families and children living in subdivided flats.



4-8-2022



中國房地產估價師與房地產經紀人學會邀請監管局執行總監陳汝儔律師於其年會中就監管局對持牌人發出的《操守守則》及最新案例選輯作線上演講。

The EAA's Director of Operations Mr Chan U Keng is invited to deliver an online talk on the EAA's *Code of Ethics* for licensees and some latest inquiry hearing cases at the Annual Conference of the China Institute of Real Estate Appraisers and Agents.

12-8-2022

監管局行政總裁韓婉萍女士（中）接受新城電台節目訪問，分享監管局上半年的工作及簡介下半年的工作重點。

The EAA's Chief Executive Officer Ms Ruby Hon (middle) attends an interview by Metro Radio. Ms Hon shares the EAA's work in the first half of 2022 and introduces its initiatives for the second half.



8-9-2022



在中環舉行的傳媒聚會中，新任監管局主席蕭澤宇先生，BBS，JP（中）上任後首次與傳媒會面。監管局行政總裁韓婉萍女士（左二）及三位總監亦有出席聚會。

The EAA's new Chairman Mr Simon Siu, BBS, JP (middle), meets the press for the first time at a media gathering in Central since his appointment. The EAA's Chief Executive Officer Ms Ruby Hon (second on the left) and three Directors also join the media gathering.



9/2015

監管局舉辦公開講座，題為「精明置業系列：如何做個精明一手樓買家」。

The EAA organises a public seminar titled "Tips to become a smart purchaser of first-hand residential properties".

7/2017

監管局接待由法律教育基金舉辦的學生交流團，包括45名來自香港及內地多間大學的法律系師生。

The EAA receives a student delegation organised by the Legal Education Fund comprising 45 law students and teachers from various universities in the Mainland and Hong Kong.



6/2018

監管局前主席及行政總裁出席由香港地產代理商總會、僱員再培訓局及香港城市大學合辦的「地產代理愛增值」計劃啟動禮。

The EAA's former Chairman and CEO attend the kick-off ceremony of a self-advancement programme co-organised by Hong Kong Real Estate Agencies General Association, Employees Retraining Board and City University of Hong Kong.

考試 Examination

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 06/2022	
363	34%
考試日期 Examination date 07/2022	
338	20%
考試日期 Examination date 08/2022	
166	25%

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 06/2022	
1,053	27%
考試日期 Examination date 07/2022	
632	26%

地產代理資格考試（筆試應考模式） Estate Agents Qualifying Examination (Paper-based)	
參加人數 No. of candidates	合格率 Pass rate
考試日期 Examination date 06/2022	
1,262	30%
考試日期 Examination date 08/2022	
1,308	36%

牌照數目 (截至2022年8月31日)

Number of licences (As at 31/08/2022)

營業員牌照 Salesperson's Licence	22,820
地產代理(個人)牌照 Estate Agent's Licence (Individual)	18,864
個人牌照總和 Total no. of Individual Licences	41,684
地產代理(公司)牌照 Estate Agent's Licence (Company)	3,943

營業詳情說明書 (截至2022年8月31日)

Number of statements of particulars of business (As at 31/08/2022)

合夥經營 Partnerships	164
獨資經營 Sole proprietorships	1,536
有限公司 Limited companies	5,481
總數 Total	7,181

開立的投訴個案宗數 (2022年1月至8月)

Number of complaint cases opened (January to August 2022)

172

已處理的投訴個案結果* (2022年1月至8月)

Results of completed complaint cases* (January to August 2022)

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 (2022年1月至8月)

Number of compliance inspections

(January to August 2022)



巡查發現主動調查的個案 (2022年1月至8月)

Number of cases arising from self-initiated investigations during inspections

(January to August 2022)

主動調查的個案

Cases arising from self-initiated investigations

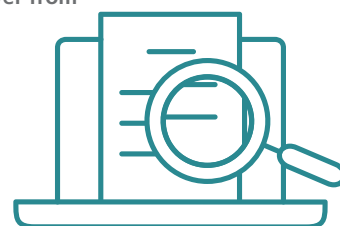
60

主動調查而指稱成立的個案*

Cases completed from self-initiated investigations and were substantiated*

65

* 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* (2022年1月至8月)

Actions taken against licensees or ex-licensees* (January to August 2022)

有關的持牌人或前持牌人人數
No of licensees or ex-licensees

226

行動
Actions Taken訓誡/譴責
Admonishment/ reprimand

156

罰款
Fine

129

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

97

暫時吊銷牌照
Suspension

9

撤銷牌照
Revocation27[#]

* 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.




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