

監管局回顧2022年工作 及簡介2023年工作重點

The EAA reviews its work in 2022 and introduces its initiatives for 2023

監管局於2023年1月30日舉行新聞發布會，由主席蕭澤宇先生BBS, JP及行政總裁韓婉萍女士回顧監管局在2022年的工作，並簡介2023年的工作重點。

蕭主席指出在物業市場淡靜之下，2022年只有9,087人次應考資格考試，比2021年減少了39%。個人牌照、公司牌照和地產代理商舖數字，按年亦同樣錄得跌幅。

監管局於2022年共開立273宗投訴個案，與前一年減少了18%。在最常見的投訴性質當中，「發出違規廣告」一類佔最多，也比2021年減少了45%。有關境外物業的投訴方面，2022年共有62宗，主要指稱涉及就保證租金回報作出失實陳述。

另外，2022年監管局亦有進行各樣巡查，其中抽查網上物業廣告合共1,393次，比2021年增加31%。

踏入2023年，監管局會因應法例及市況變化，適時向業界更新及發出指引。局方亦會繼續就各項主題作消費者教育，並會進一步向公眾推廣「5A代理」的概念。

The EAA held a press conference on 30 January 2023 at which its Chairman, Mr Simon SIU Chak-yu, BBS, JP, and Chief Executive Officer, Ms Ruby HON, reviewed the EAA's work in 2022 and introduced its initiatives for 2023.

Mr Siu pointed out that under the stagnant property market, the number of candidates attending qualifying examinations dropped to 9,087 in 2022, representing a decrease of 39% compared to 2021. The number of individual licences, company licences and estate agency shops also recorded a year-on-year decrease.

In 2022, 273 complaint cases were opened, 18% less than the previous year. The most common category of complaints was about "issuance of non-compliant advertisements", which also recorded a 45% decrease compared to 2021. Regarding complaints about non-local properties, 62 cases were opened in 2022 of which major allegations were about providing misleading information on guaranteed rental return.

On the other hand, the EAA also conducted numerous inspection checks in 2022, of which there were 1,393 spot checks on online property advertisements, representing an increase of 31% compared to 2021.

In 2023, the EAA will update/issue guidelines to the estate agency trade on matters arising from any changes in law or market situation. Consumer education on various topics will also continue to be enhanced, and the concept of the "5A agent" will be further promoted to the public.



監管局主席蕭澤宇先生BBS, JP (右) 及行政總裁韓婉萍女士 (左) 主持新聞發布會。

The EAA Chairman Mr Simon SIU Chak-yu, BBS, JP (right) and CEO Ms Ruby HON (left) host the press conference.

有關「經由持牌地產代理/營業員出租劏房」的新單張

New leaflet on “Letting of subdivided units by licensed estate agents/salespersons”

針對分間單位（俗稱「劏房」）「規管租賃」的《業主與租客（綜合）條例》第IVA部已於2022年生效，地產代理在確保劏房租賃符合條例要求上擔當不可或缺的角色。

有見及此，監管局發出執業通告（編號22-01（CR）），制定相關指引供持牌人遵從。監管局更推出了宣傳單張，概述執業通告的重點，讓持牌人更易於理解，並以此作為提醒。簡而言之，持牌人應：

1. 披露於交易中的行事身份
2. 通知客戶有關租住權保障和租金規管的要求
3. 向客戶解釋隱含的強制性條款
4. 提醒客戶留意相關罪行及分攤款項
5. 緊記加蓋印花及提交租賃通知書（表格AR2）

監管局鼓勵持牌人在處理劏房租賃時參閱該單張。監管局會於巡查時派發該單張到地產代理商舖，持牌人亦可到各區民政事務署索取。同時，單張的電子版本亦已上載至監管局網站（www.eaa.org.hk）的持牌人專區內。



Given that the “regulated tenancies” in respect of subdivided units under Part IVA of the Landlord and Tenant (Consolidation) Ordinance has taken effect in 2022, estate agents play an indispensable role in ensuring that the SDU tenancies are in line with the ordinance.

As such, the EAA issued Practice Circular (No. 22-01 (CR)) to provide relevant guidelines for licensees to follow. The EAA further launched a promotional leaflet summarising the key points of the Circular for licensees’ easy understanding and serves as a reminder. In short, licensees should:

1. Disclose their capacity in the transaction
2. Inform clients of the requirements on security of tenure and rent regulation
3. Explain to clients the implied mandatory terms
4. Draw clients’ attention to the relevant offences and apportioned amounts
5. Remember the stamping of tenancy and submission of Notice of Tenancy (Form AR2)



The EAA encourages licensees to refer to the leaflet for details when handling SDU tenancies. The leaflet will be distributed to estate agency shops during EAA’s visits and licensees could also obtain the printed copies at Home Affairs Enquiry Centres in various districts. The electronic version can also be viewed at Licensees Corner of the EAA website (www.eaa.org.hk).



「識揀識計數 • 置業基本步」

Facebook直播講座

Facebook live seminar “Back to Basics: Purchasing Properties”



(左起)新城財經台新聞部總監林潔瑩小姐、香港浸會大學財務及決策系副教授麥萃才博士、監管局規管及法律總監梁德麗律師，以及高力香港董事總經理劉振江測量師合照。

(From Left) Ms Grace LAM, News Controller of Metro Finance Radio; Dr Billy MAK Sui-choi, Associate Professor of Department of Finance and Decision Sciences, Hong Kong Baptist University; Ms Juliet LEUNG, Director of Regulatory Affairs & General Counsel of the EAA; and Sr LAU Chun-kong, Managing Director of Colliers International.

為重新提醒消費者在置業時要注意的事項，監管局於2022年12月17日舉辦了名為「識揀識計數 • 置業基本步」的Facebook直播講座。是次講座反應熱烈，錄得逾40,000次觀看講座錄影。

是次講座由新城財經台新聞部總監林潔瑩小姐主持。嘉賓講者包括香港浸會大學財務及決策系副教授麥萃才博士、高力香港董事總經理劉振江測量師，以及監管局規管及法律總監梁德麗律師。嘉賓分享對最新樓市走勢的看法、影響銀行估值及按揭的重要因素，以及如何選擇專業地產代理的實用意見。

大家可到監管局的消費者教育網站 (smart.eaa.org.hk)、監管局的YouTube頻道 (youtube.com/estateagentsauthority) 或新城財經台的Facebook專頁重溫講座的錄影。



To help consumers to refresh their memories on the points-to-note when purchasing properties, the EAA conducted a Facebook live public seminar named “Back to Basics: Purchasing Properties” on 17 December 2022. The seminar received an overwhelming response from the public, with over 40,000 views of the seminar video playback recorded.

The seminar was hosted by Ms Grace LAM, the News Controller of Metro Finance Radio. Guest speakers included Dr Billy MAK Sui-choi, Associate Professor of Department of Finance and Decision Sciences, Hong Kong Baptist University, Sr LAU Chun-kong, Managing Director of Colliers International and Ms Juliet LEUNG, Director of Regulatory Affairs & General Counsel of the EAA. They shared their views on the latest developments of the property market, including the crucial factors affecting property valuations and mortgages, as well as some practical tips for how to select professional estate agents.

To watch the playback video of the seminar, please visit the EAA's consumer education website (smart.eaa.org.hk), the EAA's YouTube channel (youtube.com/estateagentsauthority) or the Facebook page of Metro Finance Radio.

避免觸犯《競爭條例》

Avoid contravening the Competition Ordinance

臣工管局於2023年1月11日發出一封致持牌人函件，就早前有四間地產代理公司在短時間內發出內部指引，要求其持牌員工於一手物業銷售中須遵守公司收取淨佣金不少於2%的指示，而事件引起有關競爭的關注一事，提醒持牌人一些相關事宜。

就上述地產代理公司的行為，競爭事務委員會已於2023年1月6日發出新聞稿 (www.compcomm.hk/tc/media/press/files/Property_PR_CH.pdf) 作出回應。

持牌人應注意，地產代理公司不得訂立任何協議或經協調做法以達致妨礙、限制或扭曲競爭的目的或效果。地產代理公司應自行決定其所收取的佣金率、向其客戶所提供的折扣、回贈及優惠；又或與客戶個別協商，而非採用或跟從行業內的標準佣金率或以任何形式集體訂定的佣金率。否則，有可能違反《競爭條例》下的「第一行為守則」。

因此，持牌人應緊記，不可以向客戶表示行內設有任何「慣性」或「劃一」佣金率，或表示所有其他地產代理公司所收取的佣金率也是一樣的。

持牌人也應加以注意，「合謀定價」可以多種形式作出，包括競爭對手之間就價格元素（例如折扣、回贈、促銷或其他優惠）；又或就取消或減少折扣達成的協議或共識，均是一種反競爭行為並有可能違反《競爭條例》；而違反競爭守則可被罰款（最高為公司年度營業額的10%，最長三年），取消董事資格令及/或其他制裁。

The EAA issued a Letter to Licensees on 11 January 2023 drawing licensees' attention to certain reminders relating to the competition concerns arisen from internal memos issued by four estate agency companies, at more or less the same time, directing their licensed employees to observe a minimum net commission of 2% in first-hand property transactions.

In view of the aforesaid actions of the estate agencies, the Competition Commission issued a press statement (www.compcomm.hk/en/media/press/files/Property_PR_EN.pdf) on 6 January 2023.

Licensees should note that estate agency companies must not enter into any agreement or engage in any concerted practices which have the object or effect of preventing, restricting or distorting competition. Estate agencies should instead make their own decisions as to the rate of commission to charge; or discounts, rebates and incentives to offer to their clients or negotiate individually with them, rather than adopting or following any so-called "standard" rate in the industry or a rate that is set collectively in any way. Failing which, they may contravene the First Conduct Rule of the Competition Ordinance.

Licensees should thus bear in mind that they should not tell their clients that there is a "customary" or "standardised" commission rate in the industry, or that all other estate agency companies would charge the same commission rate.

As a further word of caution, price fixing can take many forms. It includes agreement or consensus between competitors to fix elements of price such as discounts, rebates, promotions or other incentives; or to eliminate or reduce discounts, which is an anti-competitive practice that could contravene the Competition Ordinance; and a contravention

of the competition rule can result in pecuniary penalty (up to 10% of the company's turnover for a maximum of three years), director disqualification orders and/or other sanctions.



不恰當處置資助出售單位及公屋

Improper handling of the disposition of subsidised sale flats and public rental housing

就早前接獲香港房屋委員會（「房委會」）的來函，監管局已於2023年2月9日，於監管局網頁發出一則提醒。各持牌人應留意切勿作出或參與任何違反恰當處置資助出售單位或公屋的行為。

持牌人請於監管局網頁參閱有關提醒（「持牌人專區」>「最新消息及提醒」>「09/02/2023」）。如有任何相關疑問，請直接向房委會查詢。

The EAA issued a reminder notice on the EAA website on 9 February 2023, regarding a recent letter received from the Housing Authority ("HA"). Licensees are reminded not to commit or participate in any act that contravenes the proper handling of subsidised sale flats and Public Rental Housing.

Licensees are advised to read the reminder notice at the EAA website (Licensees Corner > News and Reminders > 09/02/23). For any related queries, licensees may enquire with the HA directly.

居屋第二市場計劃的相關文件修訂

Revision of documentation under the Home Ownership Scheme Secondary Market Scheme

監管局於2023年2月22日發出一封致持牌人函件，提醒持牌人留意，香港房屋委員會（「房委會」）已就居屋第二市場計劃的文件作出了修訂。

由即日起，持牌人在處理景泰苑單位買賣時，應使用新修訂的指定臨時買賣合約。同時，持牌人應留意由2023年4月1日起，必須採用新修訂的文件處理該計劃下的單位轉售事宜。

持牌人應閱讀已載於監管局網頁的相關致持牌人函件（持牌人專區>致持牌人函件>22/02/2023）。如有任何相關疑問，請按照該函件內提供的聯絡電話，向相關的房委會居屋第二市場計劃小組查詢。

The EAA issued a Letter to Licensees on 22 February 2023 regarding the revision of the documentation under the Home Ownership Scheme Secondary Market Scheme administered by the Hong Kong Housing Authority ("HA").

Licensees should use the new specified form of provisional agreement for sale and purchase ("PASP") when handling the sale and purchase of units for King Tai Court from now on and note that the updated version of the PASP must be used from 1 April 2023 onwards when handling the resale of units under the Scheme.

Licensees should read the above Letter to Licensees at the EAA's website (Licensees Corner > Letter to Licensees > 22/02/23). Should there be any related queries, please make enquiries to the relevant Secondary Market Scheme Unit of the HA through the contacts provided in the above Letter.