



讓我們一起回饋社會
Let's contribute to
the community together



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韓婉萍
行政總裁

Ruby HON Yuen-ping
Chief Executive Officer

“

筆者希望各位能保持專業和謹慎，切勿因為開單心切，向客戶提供錯誤的資料。

I hope that they will maintain their professionalism and cautiousness and avoid providing inaccurate information to their clients hastily so as to seal the deal quickly.

”

樓市轉活亦要保持專業

Maintain professionalism while property market revives

政府在二月尾發表2024-25年度《財政預算案》中宣布取消所有被俗稱為「辣招稅」的住宅物業需求管理措施，同時香港金融管理局亦宣布暫停實施樓宇按揭的「壓力測試」要求，以及放寬按揭成數上限。據不少傳媒報道，樓市隨即回復交投活躍，錄得多宗成交，當中一手住宅物業更佔了不少。

監管局對政府的新措施表示歡迎，相信有關措施會有助穩定本港樓市，及有助刺激成交宗數增加，對地產代理從業員的生計帶來正面幫助。同時，筆者亦希望藉此欄目，提醒各從業員要繼續保持專業，協助消費者置業安居。

樓市相關措施有所改變，持牌人在提供最新印花稅應繳款額或物業按揭貸款措施的詳情時，更加必須小心謹慎，不得向客戶或準買家提供任何不準確或具誤導性的資料。持牌人應建議客戶，如有需要，在簽訂臨時買賣協議之前，應就其須繳付印花稅的責任尋求專業意見。同時，持牌人不得向準買家就可獲得的按揭貸款額作出任何保證。相反，持牌人應建議準買家在作出購買決定前，直接徵詢金融機構尋求財務建議。

筆者明白，樓市回復交投暢旺，各持牌人自然心急想盡快開單，但筆者希望各位能保持專業和謹慎，切勿因為開單心切，向客戶提供錯誤的資料，否則不但客戶有可能蒙受損失，有關的持牌人亦可能會被投訴，一旦被證實違規，便會受到監管局的紀律處分。這樣不但影響個人的前途，也影響行業的專業形象和聲譽。

In the 2024-25 Budget released at the end of February, the Government announced the cancellation of all demand-side management measures for residential properties, commonly known as the “harsh measures”. At the same time, the Hong Kong Monetary Authority also announced the suspension of the “stress test” for property mortgages and the relaxation of the loan-to-value ratio caps. According to the media, the property market resumed its activeness immediately and many transactions were recorded, of which a substantial portion relates to first-hand residential properties.

The EAA welcomes the Government's new measures and believes that these measures will help stabilise the local property market and stimulate an increase in the number of transactions, which will bring a positive impact on the livelihood of real estate practitioners. At the same time, I would like to remind all practitioners in this column to continue to maintain their professionalism and assist consumers to purchase their dream homes.

In view of the Government's latest initiatives in relation to the property market, licensees must be extremely careful when providing details of the latest stamp duty payable or of property mortgage loan measures, and they must not provide inaccurate or misleading information to their clients or prospective purchasers. Licensees should invite their clients to seek professional advice on their liability for payment of stamp duty, if necessary, before proceeding with the execution of the provisional agreement for sale and purchase. At the same time, licensees must not make any statement to assure prospective purchasers about the amount of mortgage loan that they could obtain. On the contrary, licensees should advise prospective purchasers to consult the financial institutions directly for financial advice before making a property purchase decision.

I understand that when the property market revives, all licensees are naturally eager to seal the deal. However, I hope that they will maintain their professionalism and cautiousness and avoid providing inaccurate information to their clients hastily so as to seal the deal quickly. Otherwise, not only may their clients suffer a loss, the relevant licensees may also be subject to complaints. Once proven to have breached our regulations, licensees may be subject to disciplinary action by the EAA. This will not only affect the individual's future, but also tarnish the professional image and reputation of the industry.



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施比受、更有福。地產代理監管局（「監管局」）不僅致力舉辦企業社會責任活動鼓勵員工參與，同時亦積極推動地產代理業界身體力行，回饋社會。

過去數年，監管局舉辦了不同類型的企業社會責任活動讓地產代理業界參與，例如有關清潔海岸的「家在香港—地產代理清潔海岸日」、與節能有關的「節能有『理』嘉許計劃」，探訪社區服務中心及上門接觸長者的「關懷有『理』—地產代理服務長者日」，這些活動均獲得正面評價及支持。為了促進地產代理業界對社會上不同社群作出貢獻，監管局每年均舉辦不同主題的企業社會責任活動。

延續關愛精神，今年監管局在2023年舉辦了另一主題的企業社會責任活動，分別於2023年3月31日及2023年12月15日與基督教勵行會合辦了「童樂有『理』—地產代理兒童服

It is more blessed to give than to receive. The Estate Agents Authority ("EAA") not only organises corporate social responsibility ("CSR") events for its staff to participate in, but also launches various initiatives to facilitate the estate agency trade to contribute to the community.

In the last few years, the EAA organised different CSR events for the trade to participate in, such as a coastal clean-up in "My Home Hong Kong – Estate Agents Coastal Cleanup Day", energy saving in "Estate Agents Energy Saving Award Scheme", home visits to the elderly in "Estate



監管局近年舉辦不同類型的企業社會責任活動。The EAA arranged different types of CSR activities in recent years.



務日」及「童『理』歡樂嘉年華 — 地產代理兒童服務日」，關懷來自基層家庭的兒童和提供支援。

為了在復活節和聖誕節前夕為小朋友帶來歡樂，監管局特意安排兩天不同主題的遊戲及活動。在2023年3月31日的活動當日，導師示範了不同的互動遊戲，以培養小朋友的團隊精神和激發他們的創造力。15位地產代理業界義工，與30名8至11歲的小朋友組成小隊一起遊戲，以展現小朋友的團隊精神和創意。

Agents Elderly Service Day” and the feedback was all positive. The theme of the CSR activities was different each year with a view to facilitating the trade to contribute to the communities within the society.

To continue the momentum, the EAA organised two CSR events in another theme in 2023. The EAA partnered with Christian Action and two sessions of “Estate Agents’ Children Service Day” were held on 31 March 2023 and 15 December 2023, extending our care and support to the children from underprivileged families.

To create more fun and joy for the participating children before Easter and Christmas, different games and activities were arranged on these two days. On 31 March 2023, a workshop instructor demonstrated different interactive games designed for building team spirit and stimulating the creativity of the children. A total of 15 volunteers from the estate agency trade joined the 30 children aged from 8 to 11 in small groups to play the games together and encouraged the children to show their team spirit and creativity.

At the second “Estate Agents’ Children Service Day” on 15 December 2023, the games were designed to improve the mind-body connection of the children. A total of 15 volunteers joined the participating 35 children and played the games together.



2023年3月31日舉行的「童樂有『理』—地產代理兒童服務日」，義工與小朋友一起參與創意遊戲。

At the Estate Agents’ Children Service Day held on 31 March 2023, volunteers took part in the creativity games with the children.

至於第二場活動、2023年12月15日舉行的「童『理』歡樂嘉年華 — 地產代理兒童服務日」，則以訓練小朋友的敏捷度為主，以提高他們的手腦協調。15名義工與參與活動的35名小朋友一起鬥智鬥力玩遊戲。



「童『理』歡樂嘉年華 — 地產代理兒童服務日」於2023年12月15日舉行。
The second Estate Agents’ Children Service Day held on 15 December 2023.

除了為參與的小朋友精心安排有意義而又歡樂的活動，監管局於這兩天活動中，合共捐贈了385個包括玩具和生活必需品的心意禮物包予參與活動的小朋友和弱勢家庭，由地產代理業義工幫忙包裝所有心意禮物包。

As well as designing meaningful and joyful activities for the participating children, the EAA also donated 385 hearty bags containing toys and daily necessities to the children and other underprivileged families on these two days. The volunteers from the estate agency trade packed the hearty bags together.



義工包裝心意禮物包並分派給小朋友。
Volunteers prepared and distributed the hearty bags to the children.

未來，監管局將會在2024年及往後繼續舉辦不同類型的企業社會責任活動，鼓勵地產代理業界關懷社會，一同為社會獻出關懷。

Looking ahead, the EAA will continue to organise different kinds of CSR activities in 2024 and onwards to encourage the estate agency trade to show their care and create a positive spirit in the community.



監管局會繼續鼓勵地產代理業界參與企業社會責任活動，回饋社會。
The EAA will continue to encourage the estate agency trade to contribute to the community.



監管局回顧2023年工作 及簡介2024年工作重點

The EAA reviews its work in 2023 and introduces its initiatives for 2024



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 the CEO Ms Ruby Hon (Left) review the EAA's work in 2023 and introduce its initiatives for 2024 at the press conference.

監管局於2024年1月31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2023年的工作，並簡介2024年的工作重點。

蕭主席指出，在物業交投淡靜之下，2023年合共只有6,732人次應考資格考試，比2022年減少26%。截至2023年12月31日，個人牌照總數為39,575人，比2022年同日減少3.7%，公司牌照則增加1.4%，但地產代理商舖數字則減少1.5%。

監管局在2023年共開立196宗投訴個案，比2022年減少28%，當中涉及一手住宅物業的投訴只有24宗，比2022年減少20%。在最常見的投訴性質當中，「發出違規廣告」一類佔最多，但宗數比2022年減少6%。有關境外物業的投訴方面，2023年監管局共開立14宗有關香港境外物業的投訴個案，比2022年的62宗大幅減少77%。

另外，2023年監管局亦有進行各樣巡查，共巡查一手樓盤銷售點826次、地產代理商舖

The EAA held a press conference on 31 January 2024 at which its Chairman, Mr Simon Siu Chak-yu, BBS, JP, and Chief Executive Officer, Ms Ruby Hon, reviewed the EAA's work in 2023 and introduced its initiatives for 2024.

Mr Siu pointed out that under the quiet property market conditions, the number of candidates attending qualifying examinations dropped to 6,732 in 2023, representing a decrease of 26% compared to 2022. As at 31 December 2023, there were 39,575 individual licensees, a decrease of 3.7% compared to the same day of 2022, while the number of estate agency companies increased by 1.4% but the number of estate agency shops decreased by 1.5%.

In 2023, 196 complaint cases were opened, 28% less than the previous year, of which only 24 cases were related to first-hand residential properties, a decrease of 20% compared to 2022. The most common category of complaints was about "issuance of non-compliant advertisements", which also recorded a 6% decrease compared to 2022. Regarding complaints on non-local properties, 14 cases were opened in 2023, a significant decrease of 77% compared to the 62 cases in 2022.

On the other hand, the EAA also conducted numerous inspection checks in 2023, including 826 checks at the sale-sites of first-hand residential properties, 849 visits to estate agency shops, 1,239 spot checks on matters

849次、就有關反洗錢/打擊恐怖分子資金籌集的指引進行1,239次抽查，並抽查網上物業廣告1,331次。

在2024年，監管局會繼續因應法例及其他市場情況在有需要的情况下更新或發出對業界的執業指引。有關代理佣金相關事宜，監管局正在籌備針對業界有效及良好的競爭行為的相關指引。

為了進一步提升行業專業水平及推動終身學習，監管局將於2025年首季，推出第一階段的強制性持續專業進修計劃。監管局亦會繼續舉辦一系列的企業社會責任活動及就各項主題作消費者教育。

relating to Anti-Money Laundering and Counter Terrorist Financing requirements and 1,331 spot checks on online property advertisements.

In 2024, the EAA will continue to update or issue guidelines to the estate agency trade on matters arising from any changes in law or market situation. Regarding the commission rate issue, the EAA is preparing relevant guidelines on effective and good competition behaviour for the trade.

To further enhance the professionalism of the estate agency trade and promote lifelong learning, the EAA will launch the first phase of the Mandatory Continuing Professional Development Scheme in the first quarter of 2025. The EAA will also continue to hold a series of corporate social responsibility activities and consumer education on various topics.

有關銷售香港境外的未建成物業的執業通告的「問與答」及「供持牌人參考的摘要清單」

New “Q&A” and “Summary Checklist for Licensees’ Reference” on the Practice Circular about the Sale of Uncompleted Properties Situated Outside Hong Kong

就監管局於2023年12月發出的有關銷售香港境外未建成物業的新執業通告（編號23-02(CR)），監管局已於2024年2月16日上載一套相關的「問與答」及「供持牌人參考的摘要清單」。

持牌人應留意，新執業通告將於2024年7月1日起生效，並取代2017年發出的相關舊通告（編號17-03(CR)）。

持牌人應仔細閱讀新執業通告及上述文件的內容，並對相關工作作出調整，以確保符合新執業通告的要求。

有關「問與答」及「供持牌人參考的摘要清單」的內容，可瀏覽監管局網頁（規管 > 執業通告）。

Regarding the new Practice Circular (No. 23-02 (CR)) on the sale of uncompleted properties situated outside Hong Kong (“UPOH”) issued by the EAA in December 2023, the EAA has uploaded a set of relevant “Q&A” and “Summary Checklist for Licensees’ Reference” at its website on 16 February 2024.

Licensees should note that the new Circular will supersede the relevant old Circular (No. 17-03 (CR)) issued in 2017 when it takes effect on 1 July 2024.

Licensees should read the contents of the new Circular and the aforementioned documents in detail and make adjustments to relevant work as soon as possible to ensure compliance with the requirements in the Circular.

Please read the relevant “Q&A” and “Summary Checklist for Licensees’ Reference” at the EAA’s website (Compliance > Practice circulars).

第一階段的強制性持續專業進修計劃

Phase I of the Mandatory CPD Scheme

監管局將於2025年首季，推出「第一階段的強制性持續專業進修計劃」。計劃目的是透過從新持牌人開始，逐步實施持續學習要求，以提升行業的專業水平、形象及聲譽。

計劃對象為於實施日期後參加並通過資格考試而獲取相關牌照的人士。該人士需要符合強制性持續專業進修的要求方可於其牌照有效期屆滿前申請續領牌照。

由實施日期開始，參加並通過有關資格考試而獲得相關營業員牌照/地產代理（個人）牌照的人士，其牌照上將會附加相關強制性持續專業進修要求的條款。該些新持牌人須在其牌照有效期期間取得監管局指定的持續專業進修學分。

現有持牌人並不會被要求強制性持續專業進修。但持有營業員牌照的持牌人，於實施日期後若參加並通過地產代理牌照資格考試而獲取地產代理（個人）牌照，該人士則需要符合強制性持續專業進修的要求方可於其地產代理（個人）牌照有效期屆滿前申請續領該牌照或重新申請營業員牌照。

一般來說，持牌人每參與一小時的持續專業進修活動，便會獲發一個學分。計劃初期，有關持牌人每年必須取得4個持續專業進修學分。他們需要在申請牌照續期前獲取所需的持續專業進修學分才能續領牌照。

有關計劃的詳情請瀏覽監管局網頁：www.eaa.org.hk/zh-hk/CPD-Scheme/Mandatory-CPD-Scheme

The EAA is going to launch Phase I of the Mandatory Continuing Professional Development (“CPD”) Scheme in the first quarter of 2025. The objective of the scheme is to enhance the trade’s professional standard, image and reputation by progressively imposing a continuous learning requirement, beginning with new licensees.

The targets are individuals who pass the qualifying examinations of the EAA and obtain relevant licences after the implementation date of the scheme. Those individuals must fulfil the Mandatory CPD condition before they are eligible to apply for licence renewal prior to the expiration of their licences.

From the implementation date onwards, individuals who take and pass the relevant qualifying examinations, and then obtain the respective salesperson’s licences / estate agent’s licences (individual) will have a relevant Mandatory CPD condition attached to their licences. These new licensees are required to obtain the specified number of CPD points designated by the EAA within the validity period of their licences.

The Mandatory CPD condition will not be imposed on existing licensees. However, if a licensed salesperson takes and passes the Estate Agents Qualifying Examination and obtains an estate agent’s licence (individual) after the implementation date, he/she will be required to fulfil the Mandatory CPD condition before being eligible to apply for licence renewal prior to the expiration of his/her estate agent’s licence (individual) or re-apply for a salesperson’s licence.

Generally, one point will be awarded for every hour of CPD activities taken. Initially, four CPD points per annum are required. Those licensees need to accumulate sufficient CPD points prior to their application for licence renewal.

The implementation date of the scheme, as well as the guidelines and details, will be announced and issued in due course. For details of the scheme, please visit the EAA website (www.eaa.org.hk/en-us/CPD-Scheme/Mandatory-CPD-Scheme).



監管局到訪深圳市房地產中介協會

EAA visited Shenzhen Real Estate Intermediary Association

監管局一行11人的交流團由主席蕭澤宇先生BBS，JP及行政總裁韓婉萍女士率領，於1月到訪深圳，與內地相關機構領導層會面，以了解深圳房地產中介服務行業的最新發展及規管情況。

監管局交流團代表探訪深圳市房地產中介協會（「深房中協」），就兩地地產代理行業的發展及監管工作交流資訊及經驗。會上，深房中協與監管局代表分享深圳地產代理行業的自律管理舉措、星級評價體系及房地產中介行業信用資訊等。

蕭主席總結指，這次探訪提升了監管局對深圳房地產中介服務行業最新發展的了解，同時亦讓內地相關機構更了解香港地產代理行業的規管制度及行業現況。

蕭主席同時表示，此行獲益良多，有助推動香港與大灣區的地產代理行業的長遠合作及發展。

A delegation of 11 representatives of the EAA, led by the EAA's Chairman Mr Simon Siu Chak-yu, BBS, JP and the CEO Ms Ruby Hon, visited Shenzhen in January to meet the leaders of the relevant Mainland institution to understand the latest developments and regulatory regime of the real estate agency industry in Shenzhen.

The EAA representatives visited the Shenzhen Real Estate Intermediary Association ("SREIA") for an exchange of information and experiences in the practices and regulatory efforts on the estate agency industry. During the meeting, the SREIA shared with the EAA delegates their self-regulatory regime, agency rating system and credit information on the agency industry, etc.

Mr Siu concluded that the visit enhanced the EAA's understanding of the latest developments of the estate agency industry in Shenzhen and also provided an opportunity for the Mainland counterparts to gain a deeper understanding of the regulatory regime and industry practice of Hong Kong.

He also pointed out that the visit was fruitful and helped facilitating the long-term cooperation and development of the estate agency industry between Hong Kong and the Greater Bay Area.



監管局交流團於2024年1月探訪深圳市房地產中介協會。

The EAA delegation visits Shenzhen Real Estate Intermediary Association in January 2024.

出售違反居住規定的資助出售房屋單位 Sale of Subsidised Sale Flats which have breached the live-in requirements

監管局留意到有傳媒報道有地產代理懷疑牽涉協助業主放售一些業主未曾入住的資助出售房屋單位（「資助單位」），由於有關業主可能違反資助單位的居住規定（「居住規定」），故監管局已於2024年1月26日發出一封致持牌人函件，提醒各持牌人切勿參與銷售違反居住規定的資助單位。

持牌人亦應留意，「清水樓」一詞可被理解為從未居住過的單位，亦可被理解為未經改動的單位。監管局提醒持牌人，在推銷資助單位時必須準確地描述該單位而不應胡亂使用「清水樓」一詞或其他類似術語。

如持牌人錯誤使用相關術語形容有關資助單位，而其聲稱與事實不符，這可構成失實陳述及違反監管局發出的《操守守則》。

持牌人應閱讀上述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 > 26-01-2024）。

The EAA noted from media reports that some estate agents may allegedly be involved in the sale of subsidised sale flats ("SSFs") for owners and such flats have never been occupied. As the relevant owners may be in breach of the live-in requirements, the EAA issued a Letter to Licensees on 26 January 2024 to remind all licensees not to participate in such sales if the relevant SSFs have breached the live-in requirements.

Licensees should also note that the term "unmodified flats" may be regarded as units which have never been occupied as well as units which have never been modified. Licensees are reminded that they must accurately describe the SSFs and refrain from using the term "unmodified flats" or similar terms recklessly in the promotion of the sale of SSFs.

If licensees incorrectly use the related term(s) to describe the relevant SSFs where they are untrue, it may amount to misrepresentation and contravention of the *Code of Ethics* issued by the EAA.

Licensees should read the aforementioned Letter to Licensees at the EAA's website for details (Licensees Corner > Letter to Licensees > 26-01-2024).

監管局獲得「健康企業嘉許計劃2023」 健康企業金獎 EAA received Gold Award in the "Healthy Corporate Award 2023"



健康企業 2023
HEALTHY CORPORATE
GOLD AWARD
ORGANIZED BY METHODIST CENTRE

監管局在循道衛理中心主辦的「健康企業嘉許計劃2023」中，榮獲健康企業金獎。

監管局一直積極關注員工的健康，並致力於提供愉快健康的工作環境，因而獲得此殊榮。過去，監管局亦有參與政府發起的《精神健康職場約章》，並獲嘉許為「精神健康友善機構」。在未來日子中，監管局將繼續致力優化員工的工作環境。

The EAA has been awarded the Gold Award in the Healthy Corporate Award 2023 organised by the Methodist Centre.

The EAA earned the recognition by providing proactive care towards its staff's health and its dedication in providing a joyful and healthy workplace. In the past, the EAA also participated in the Mental Health Workplace Charter initiated by the Government and was commended as one of the Mental Health Friendly Organisations. In the future, the EAA will continue to enhance the working environment for its staff.

《競爭條例》與市場競爭 Competition Ordinance and Market Competition

為提升持牌人對《競爭條例》有更深入的认识，監管局於2024年1月26日邀請了競爭事務委員會的代表舉辦一個題為「《競爭條例》與市場競爭」的網絡研討會。

席間，講者向參加者詳細講解《競爭條例》的主要內容、「第一行為守則」及「第二行為守則」的相關規定、地產代理在執業時須注意的事項以及分享競爭法案例。

To enhance licensees' understanding of the Competition Ordinance, the EAA invited representatives of the Competition Commission to deliver a webinar titled "Competition Ordinance and Market Competition" on 26 January 2024.

During the webinar, speakers explained to the participants the Competition Ordinance, relevant provisions of the First Conduct Rule and the Second Conduct Rule in detail. They also discussed the points to note for estate agents when carrying out estate agency work in compliance with the ordinance, as well as sharing related cases.

新執業通告－銷售香港境外的未建成物業 (通告編號23-02(CR))

New EAA Practice Circular (No. 23-02 (CR)) - Sale of Uncompleted Properties Situated Outside Hong Kong

鑑於港人對購買香港境外物業的關注持續，為加強對消費者的保障及透過委任持牌人而增強消費者的信心，監管局於2023年12月發出有關銷售香港境外未建成物業的新執業通告(編號23-02(CR))。新執業通告將於2024年7月1日生效並取代現有執業通告(編號17-03(CR))。

為協助持牌人了解新執業通告的要求，監管局於2024年2月27日及3月14日分別舉辦了以英文及中文講解的「新執業通告－銷售香港境外的未建成物業(通告編號23-02(CR))」的持續專業進修活動。

席間，監管局代表向持牌人詳細講解新執業通告的內容及規定。除此之外，監管局將會就此新執業通告推出相關的「網上學習活動」，持牌人對新執業通告規定可隨時隨地溫故知新。

In light of the ongoing concern over buying properties situated outside Hong Kong, the EAA has issued a new practice circular (No. 23-02 (CR)) in December 2023 to strengthen consumer protection and enhance consumers' confidence through engaging licensees. This new practice circular will replace the existing circular (No. 17-03 (CR)) and will take effect on 1 July 2024.

To help licensees understand the requirements of the new practice circular, the EAA has launched two CPD events in English and Chinese on 27 February and 14 March 2024 respectively, entitled "New EAA Practice Circular (No. 23-02 (CR)) - Sale of Uncompleted Properties Situated Outside Hong Kong".

During these two events, representatives from the EAA explained to licensees the contents and the requirements of the new practice circular. Furthermore, the EAA will launch relevant e-Learning programmes on this new circular to allow licensees to refresh their understanding of the new requirements anytime anywhere.

在《專業天地》內，我們會分享近期常見的投訴個案或違規情況，作為對持牌人的提醒。

In *Horizons*, we will share some recent common complaints or malpractice as a reminder to licensees.

監管局近月接獲多宗涉嫌假冒一手住宅物業項目官方網站的投訴。該些疑似假冒網站的版面設計、內容及網址均與發展項目賣方的指定官方網站相似。部分涉事網站以可安排潛在買家預約視察示範單位為名，從而套取潛在買家的個人資料。

由於這些個案與一手住宅物業銷售有關，亦可能涉及網上詐騙等嚴重刑事罪行，監管局已把個案轉介至一手住宅物業監管局及警方網絡安全及科技罪案調查科作刑事調查。如有證據顯示假冒網站由持牌人發出，監管局亦會對相關人士採取紀律行動。若持牌人被刑事定罪，其牌照有可能被監管局撤銷。

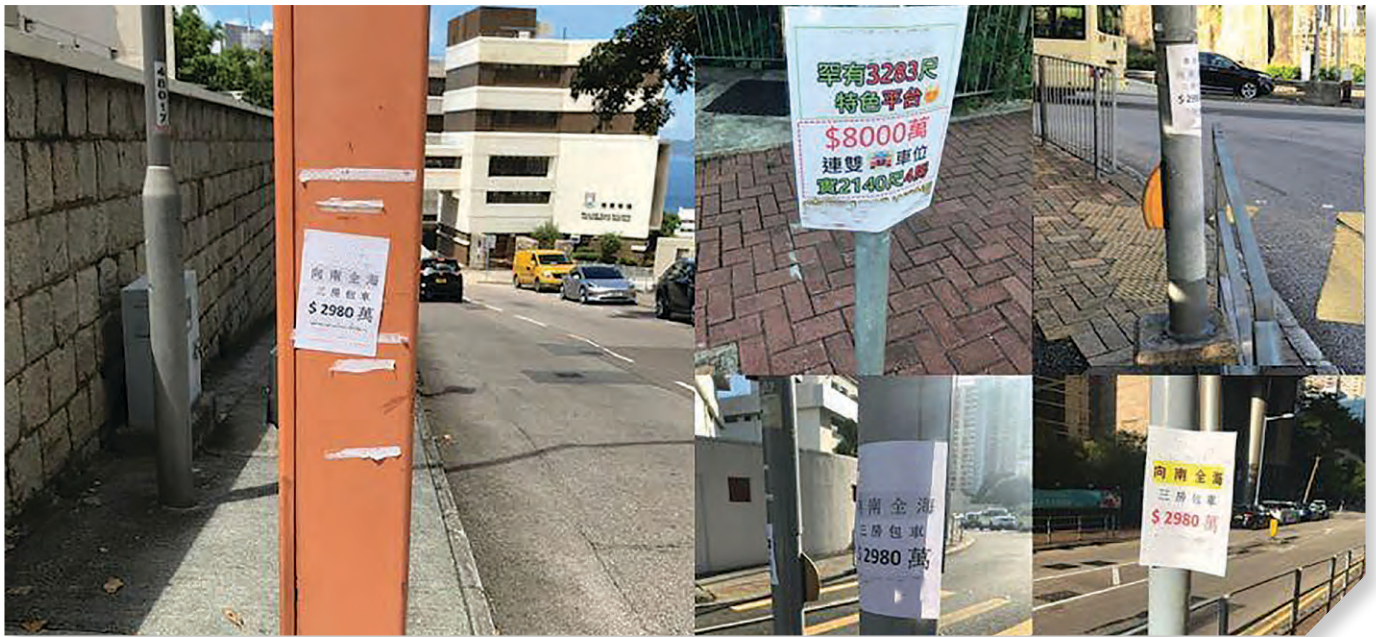
監管局提醒持牌人，在發出一手住宅物業廣告時須遵守地產代理條例及其附屬法例的相關規定，以及由本局發出的《操守守則》及所有適用指引的規定（包括執業通告（編號13-04(CR)及編號18-02(CR)）。當中訂明，除地產代理公司外，其他持牌人不得發出任何廣告或宣傳品。地產代理公司在發出包括任何廣告或宣傳品前，亦須事先取得賣方的書面同意。此外，地產代理公司亦須取得賣方就宣傳物品所載資料的準確性及完整性的明確書面批署及確保符合一手住宅物業銷售條例的規定。廣告亦必須載有地產代理公司的營業名稱、地產代理的牌照號碼或營業詳情說明書的號碼、獨有的物業編號及廣告日期。

The EAA has received a number of complaints in recent months regarding fake websites of first-hand residential developments. The layout, contents and the URL of these fake websites are similar to those of the official websites designated by the vendors of the developments. Some of the websites seek to collect the personal data of the potential buyers by claiming that they could arrange show flat visits.

As the cases are related to the sale of first-hand residential properties and may involve serious criminal offences such as online fraud, the EAA has referred the cases to the Sales of First-hand Residential Properties Authority and the Cyber Security and Technology Crime Bureau of the Hong Kong Police Force for criminal investigation. In addition, if there is evidence to show that the fake websites are issued by licensees, the EAA will also take disciplinary action against the relevant licensees. If a licensee is convicted of a criminal offence, his/her licence may be revoked by the EAA.

The EAA would like to remind licensees that licensees must comply with the relevant provisions of the Estate Agents Ordinance and its subsidiary legislations, as well as the Code of Ethics and all applicable guidelines (including Practice Circular (No. 13-04(CR) and (No. 18-02(CR)) issued by the EAA when issuing advertisements on first-hand residential properties. No advertisement or promotional materials must be issued by licensees other than estate agency companies. Estate agency companies must obtain the written consent of the vendor before they issue any advertisement or promotional materials. Moreover, estate agency companies must obtain the vendor's express endorsement in writing on the accuracy and completeness of the information contained in promotional materials and ensure compliance of the relevant requirements in the Residential Properties (First-hand Sales) Ordinance. The advertisement must state the business name of the estate agency company, estate agent's licence number or number of the Statement of Particulars of Business, Property Number of that particular property and the date of issuance of the advertisement.





紀律研訊個案 Disciplinary hearing case

於公眾場所及政府物業張貼街招廣告 Affixing property advertising bills in public places and government properties

引言

持牌人不可在未經許可下於公眾場所及政府物業張貼廣告街招，這行為不但有可能觸犯《公眾衛生及市政條例》，更會影響該些地方的宜人之處，及對行人及其他道路使用者造成滋擾。從事這違規行為有機會被監管局紀律處分。

Introduction

Licensees must not affix property advertising bills in public places and government properties without the requisite permission as this might not only be in breach of the Public Health and Municipal Services Ordinance, it may also affect the amenities of the locality and cause annoyance to pedestrians and other road users. Such non-compliance may lead to disciplinary action by the EAA.

事件經過

監管局職員在九龍一個地區巡查時，發現該處的交通燈柱、電燈柱、路牌柱、行人路欄杆、巴士站及配電箱等多處不同的公共設施上，被張貼了涉及4個樓盤的82張廣告街招。

該些街招刊登了物業的售價、地址及一名營業員的聯絡電話。監管局職員經深入調查後，發現該名營業員在未經相關政府部門的許可下張貼該些街招。

Incident

While on an enforcement patrol in a Kowloon district, EAA staff found 82 advertising bills for four properties affixed to various public facilities, including traffic light poles, lamp posts, sign posts, pedestrian railings, bus stops, and distribution boxes.

Those advertising bills displayed the properties' prices, addresses, and the contact number of a salesperson. The EAA staff conducted a thorough investigation and found that those advertising bills were posted by that salesperson without permission from the relevant government departments.

研訊結果

Result

監管局紀律委員會認為，該名營業員在未經許可下於公眾場所及政府物業張貼廣告街招，影響了該些地方的宜人之處，同時令地產代理行業聲譽受損，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名營業員，向他罰款合共81,600港元及暫時吊銷其牌照3個月。

The EAA Disciplinary Committee was of the view that the affixing of advertising bills in public places and government properties without permission had affected the amenities of the locality and brought disrepute to the trade. The salesperson was in breach of paragraph 3.7.2 of the Code of Ethics, which stipulates: “estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade.”

Having considered the nature and gravity of the case and the disciplinary record of the salesperson, the Committee decided to reprimand him, impose a fine in the total of HK\$81,600 and suspend his licence for three months.



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Mr Liu Chi-ming
Life-long President
H.K.N.T. Estate Agents & Merchants
Association

● 業界意見 Comment from trade

地產代理胡亂張貼物業廣告街招的行為影響市容，更會影響香港的國際大都會形象，同時令地產代理的專業形象受損。推銷物業有很多其他方式，例如代理可以採用網上或報章廣告的形式，不應違規張貼街招。地產代理公司應加強對員工的教育及監管員工的行為，避免此類情況出現。

Posting property advertising bills by estate agents in public areas not only tarnishes the cleanliness of the city but also damages Hong Kong's image as a cosmopolitan city as well as the professional image of estate agents. There are numerous alternatives to advertise properties, such as using online or newspaper advertisements. Estate agents should not affix property advertising bills without permission. Estate agency companies should enhance employee education and strengthen supervision of their staff's conduct to prevent the recurrence of a similar incident.

紀律研訊個案 Disciplinary hearing case

未能設立妥善的程序及制度有效監管員工遵從規定 Failure to establish proper procedures or systems to monitor employees' compliance

引言

Introduction

地產代理公司須設立妥善的程序及制度，以確保其員工或其轄下的人員遵守《地產代理條例》及其附屬法例、《操守守則》、執業通告及由監管局不時發布的指引（「該等條例及指引」）。否則，有可能被監管局紀律處分。

Estate agency companies should establish proper procedures and systems to ensure that their employees and persons under their control comply with the Estate Agents Ordinance and its subsidiary legislation, the *Code of Ethics*, practice circulars and guidelines from time to time issued by the EAA (“Ordinance and Guidelines”). Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一間地產代理公司在13個月內接連發生33宗涉及其23名員工在網上/社交平台發布違規物業廣告的個案。監管局因此懷疑該公司沒有設立妥善的程序及制度，以確保其員工遵守該等條例及指引，於是展開調查。調查期間，該地產代理公司聲稱已設立妥善的程序及指引，包括巡查員工發出的網上廣告及處罰違規的員工，但該公司卻未能提供有關巡查及處罰的紀錄及詳情，而且員工的違規情況仍然持續發生。

Incident

There were 33 non-compliant advertisements through online / social media platforms issued by 23 employees of an estate agency company within 13 months. Therefore, the EAA suspected that the company has not established proper procedures and systems to ensure its employees' compliance with the Ordinance and Guidelines, and initiated an investigation. During the investigation, although the estate agency company claimed to have proper procedures and guidelines in place, including regular policing of the online property advertisements issued by its employees and taken disciplinary actions against the non-compliant employees, it failed to provide relevant records and details, and the non-compliant cases committed by its employees continued to occur.

研訊結果

監管局紀律委員會認為，該地產代理公司沒有設立妥善的監管制度及措施以進行持續且有效的適時監察，以確保其員遵守該等條例及指引。該公司違反了《地產代理常規（一般責任及香港住宅物業）規例》第15條，即：「持牌地產代理須設立妥善的程序或制度以監督和管理其地產代理工作的業務，以確保其僱員或其轄下的人遵守本條例的條文。」

考慮到個案的性質、該地產代理公司的違規紀錄及求情陳詞，紀律委員會決定譴責該公司及罰款130,000港元。

Result

The EAA Disciplinary Committee was of the view that the estate agency company failed to establish an effective monitoring system and measures pertinently to ensure its employees' compliance. The company was in breach of Section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, which states that, "a licensed estate agent shall establish proper procedures or systems to supervise and manage his business of doing estate agency work to ensure that his employees or persons under his control comply with the provisions of the Ordinance."

Having considered the nature and gravity of the case, as well as the disciplinary record of the company and its mitigation submission, the Disciplinary Committee decided to reprimand the company and impose a fine of HK\$130,000.



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

地產代理公司並未妥善做好監管措施，否則不會接連發生違規網上廣告的個案。地產代理公司應加強對員工的培訓，並且要求管理層在員工發放網上廣告前作出檢核，以加強公司對發放物業廣告的監管，避免違規情況再次出現。希望同業引以為戒，不要犯上同類錯誤。

The estate agency company had failed to implement proper supervisory measures, otherwise there would not have been a number of non-compliant online advertisements. Estate agency companies should strengthen staff training and require management to review the online advertisements before issuance. It will strengthen the company's supervision of online advertisements issuance and prevent the recurrence of any non-compliance. I hope that the estate agency trade members will take this case as a warning and will not make the same mistake again.

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".

持牌人應向客戶說明他們有責任按照《打擊洗錢及恐怖分子資金籌集條例》（「《打擊洗錢條例》」）的規定備存身分證明文件的副本。

持牌人應向個人客戶說明，按照《打擊洗錢條例》的一項法定要求，其須根據客戶的身分證明文件（如香港身分證、護照或旅遊證件）核實客戶的身分，並取得有關副本作備存紀錄。

為向個人客戶保證其個人資料將予以妥善使用及處理，持牌人應向客戶說明，收集個人資料乃僅供該特定情況下為客戶辦理地產代理事宜之用，且未經客戶同意，他們不會將個人資料用於任何其他目的或轉移至第三方。持牌人亦應說明，其在收集、使用和處理客戶的個人資料時須遵守《個人資料（私隱）條例》及地產代理監管局的相關指引。

如有需要，持牌人可提議個人客戶參考由地產代理監管局及保安局禁毒處聯合發佈的電子單張，其中向客戶解釋《打擊洗錢條例》有關要求取得客戶身分證明文件及備存副本作紀錄的規定(www.eaa.org.hk/Portals/0/Sections/CC/AML_tc.pdf)。

Licensees shall explain to individual client about their obligation to keep a copy of the identity document as required by the Anti-Money Laundering and Counter-Terrorist Financing Ordinance ("AMLO").

Licensees should explain to individual client that it is a statutory requirement under the AMLO for them to verify the client's identity against his/her identity document (e.g. Hong Kong identity card, passport or travel document), and obtain a copy thereof for record-keeping.

To assure the individual client that his personal data will be properly used and handled, licensees should explain to the client that collection of the personal data is only for the performance of estate agency work for the client on that particular occasion and they will not use the personal data for any other purpose nor transfer the personal data to third party without the client's consent. Licensees should also explain that they are required to comply with the Personal Data (Privacy) Ordinance and the EAA's relevant guidelines on collection, use and handling of client's personal data.

If necessary, licensees may refer the individual client to the e-leaflet jointly issued by the EAA and the Narcotics Division of the Security Bureau which explains to customers about the AMLO requirement of obtaining customer's identity document and keeping a copy for record (www.eaa.org.hk/Portals/0/Sections/CC/AML_en.pdf).

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.

? 如一名持牌人在其處理《業主與租客（綜合）條例》（「《條例》」）第IVA部下的分間單位（俗稱「劏房」）租賃中亦是該租賃的業主，他可否要求租客向他支付佣金？

✓ 不可以。業主如要求租客就有關租賃支付或就有關租賃以其他方式從租客收取不屬以下種類的款項：租金、租金按金、付還任何《條例》第IVA部指明的公用設施及服務的收費，及因租客違反租賃引致的損害賠償，將構成違反《條例》的罪行。

因此，持牌人在題述的情況不可要求租客向他支付或以其他方式從租客收取任何佣金、報酬或其他名目的款項。

詳情請參閱監管局發出的有關出租《業主與租客（綜合）條例》第IVA部下的分間單位的執業通告（執業通告編號22-01（CR））第（14）及（15）段。

? If a licensee, in the handling of a tenancy of subdivided unit (“SDU”) under Part IVA of the Landlord and Tenant (Consolidation) Ordinance (“Ordinance”), is also the landlord of that tenancy, can he request the tenant to pay commission to him?

✓ No. It would constitute an offence under the Ordinance if the landlord requires the tenant to pay, or the landlord otherwise receives from the tenant, monies other than the rent, rental deposit, reimbursement of charges for any of the utilities and services specified by Part IVA of the Ordinance, and damages for the tenant’s breach of the tenancy.

Thus, the licensee in the above circumstances cannot require the tenant to pay or otherwise receive from the tenant any commission, remuneration or monies under other names.

For details, please refer to paragraphs (14) and (15) of the Practice Circular on Letting of Subdivided Units under Part IVA of the Landlord and Tenant (Consolidation) Ordinance (Practice Circular No. 22-01 (CR)) issued by the EAA.



監管局即將推出的持續專業進修計劃活動 Upcoming CPD activities offered by EAA

詳情請瀏覽《持續專業進修計劃》的網頁：

Please visit the webpage of the CPD Scheme for details:



講座

日期 (月/年) Date (Month/Year)	課程名稱 Course title	學分 CPD Points	語言 Language	類別 Category
4/2024	認識買賣農地	2	廣東話	全面提升發展
	小型工程監管制度簡介及在私人樓宇豎設支承太陽能光伏系統構築物的規定	1.5		
	自製長糧 精彩起飛	1.5		
5/2024	認識優質建築項目及如何識別可能經內部改動的物業	1.5		

網絡研討會

日期 (月/年) Date (Month/Year)	課程名稱 Course title	學分 CPD Points	語言 Language	類別 Category
5/2024	地產代理業防貪講座 (前線代理)	1.5	廣東話	合規及有效管理
6/2024		1.5	英語	

其他活動

競爭事務委員會主辦活動

《競爭條例》網上講座

日期	時間	語言	課程費用
24/4/2024	15:30-17:30	英語	免費

請瀏覽競爭事務委員會網頁了解詳情及登記。

查詢電郵：event@compcomm.hk 查詢電話：3462 2118

6-19/3/2024

11/3-7/4/2024



為了讓大眾繼續關注購置香港境外未建成物業，監管局於2024年3月在紅磡海底隧道廣告牌；並在九巴、龍運巴及城巴不同路線的座椅椅背上刊登最新廣告。

To sustain public awareness of purchasing uncompleted properties situated outside Hong Kong, the EAA places the latest advertisements on Cross Harbour Tunnel Billboards at Hung Hom, as well as affixing seatback stickers on different bus routes of the KMB, LWB and Citybus in March 2024.

8/3/2024

監管局在堅尼地城地區舉辦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 Kennedy Town District. During the meeting, EAA representatives discuss with the participating licensees on topics regarding licensing, compliance and the CPD Scheme while licensees share the issues they encounter in their daily practices.



22/2/2024



監管局舉辦傳媒春茗午宴，主席蕭澤宇先生，BBS，JP（左二）、行政總裁韓婉萍女士（中）、執行總監陳汝儼先生（左一）、規管及法律總監梁德麗女士（左三）及服務及專業發展總監王頌恩先生（右一）向一眾傳媒拜年。

The EAA holds a spring lunch with journalists. Chairman Mr Simon Siu Chak-yu, BBS, JP (second from left), Chief Executive Officer Ms Ruby Hon (middle), Director of Operations Mr Chan U Keng (first from left), Director of Regulatory Affairs and General Counsel Ms Juliet Leung (third from left) and Director of Services and Professional Development Mr Ivan Wong (first from right) wish the press a Happy Chinese New Year.

29/1/2024

監管局主席蕭澤宇先生，BBS1，JP及行政總裁韓婉萍女士出席慶祝中華人民共和國成立七十五周年暨香港房地產代理業聯會成立三十周年及第十二屆理事會就職典禮。

Chairman of the EAA, Mr Simon Siu Chak-yu, BBS, JP, and Chief Executive Officer Ms Ruby Hon attend the Celebration of the Seventy Fifth National Day of the People's Republic of China cum the Thirtieth Anniversary of the Hong Kong Property Agencies Association and the Twelfth Inauguration Ceremony of the Executive Committee.





3/2018

監管局舉辦公開講座，題為「海外置業多面睇」。

The EAA holds a public seminar entitled "Points to Note on Purchasing Properties Situated outside Hong Kong".

1/2016

為提醒大眾在委託地產代理處理住宅物業租賃時應注意的事項，監管局在不同商場舉行巡迴展覽。

In order to remind the public of the important points-to-note when appointing an estate agent to enter into a tenancy for residential property, the EAA holds a series of roving exhibitions at shopping centres.



3/2013

廣東省房地產行業協會代表團到訪監管局。

The EAA receives a delegation from the Guangdong Real Estate Association.



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 1/2024

220 27%

考試日期 Examination date 2/2024

157 24%

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 12/2023

391 42%

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 2/2024

583 33%

牌照數目 (截至2024年2月29日)

Number of licences (As at 29/2/2024)

營業員牌照
Salesperson's Licence 20,926

地產代理(個人)牌照
Estate Agent's Licence (Individual) 18,125

個人牌照總和
Total no. of Individual Licences 39,051

地產代理(公司)牌照
Estate Agent's Licence (Company) 3,971

營業詳情說明書 (截至2024年2月29日)

Number of statements of particulars of business (As at 29/2/2024)

合夥經營
Partnerships 161

獨資經營
Sole proprietorships 1,428

有限公司
Limited companies 5,199

總數 Total 6,788

開立的投訴個案宗數 (2024年1月至2月)

Number of complaint cases opened (January to February 2024)

19

已處理的投訴個案結果* (2024年1月至2月)

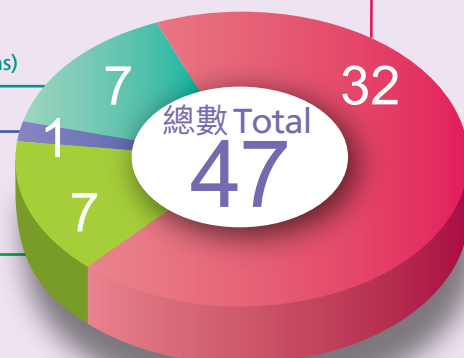
Results of completed complaint cases* (January to February 2024)

其他(例如投訴人撤回投訴或因其他原因而終調查)
Others (include cases withdrawn or closed because of other reasons)

資料不足
Insufficient information to pursue

指稱不成立
Unsubstantiated

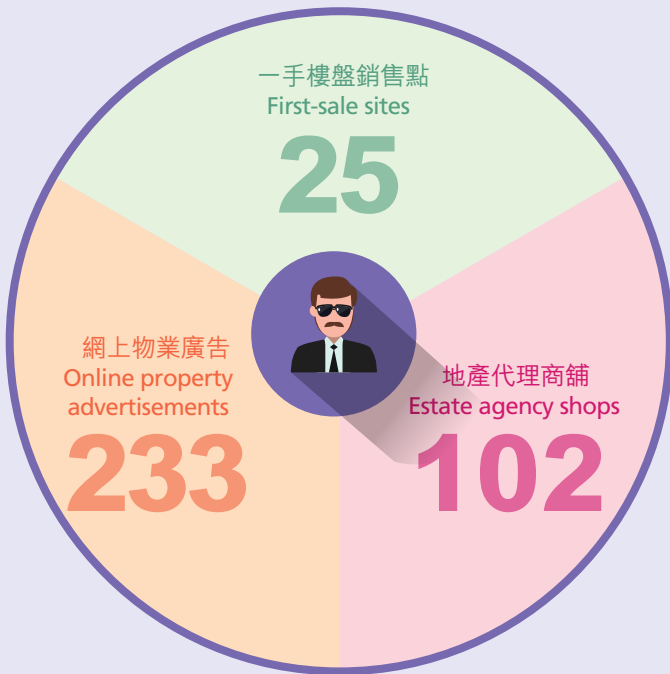
指稱成立
Substantiated



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

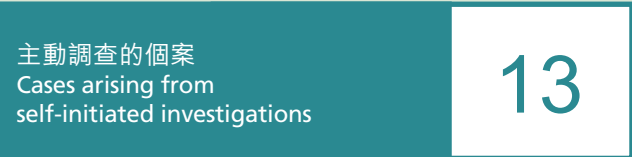
巡查次數 (2024年1月至2月)

Number of compliance inspections
(January to February 2024)



巡查發現主動調查的個案 (2024年1月至2月)

Number of cases arising from self-initiated investigations during inspections
(January to February 2024)



* 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* (2024年1月至2月)

Actions taken against licensees or ex-licensees* (January to February 2024)



行動 (Actions Taken)	訓誡/譴責 (Admonishment/ reprimand)	於牌照附加/更改條件 (Attachment/ alteration of conditions to licence)	撤銷牌照 (Revocation)
	47	23	9#
	罰款 (Fine)	暫時吊銷牌照 (Suspension)	
	35	6	

* 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

 (852) 2111 2777

 www.eaa.org.hk

