

專業 HORIZONS 天地



「誠信公平可創富。」

監管局主席陳韻雲

“It pays to play fair and proper.”

EAA Chairman
Ms Vivien Chan

地產代理監管局（監管局）堅信「誠信」是地產代理從業員事業成功的基礎。監管局為了推動業內的誠信文化，特設全新欄目－「誠信與你」，並由監管局主席陳韻雲女士在首一輯中率先與從業員分享她對於誠信文化的看法和信念，以及為了達到這個理想而必須訂立的方向。

誠信與你
Integrity in Focus

The Estate Agents Authority (EAA) strongly believes that integrity is the foundation of successful business for estate agency practitioners. To launch this new section which is created for the promotion of integrity, EAA Chairman Ms Vivien Chan shares her views on the importance of building a culture of integrity and probity in the trade, and the direction towards which we should head in order to achieve this goal.

陳韻雲女士說：「監管局已建立適當的硬件，包括審批牌照、進行紀律研訊以及懲處違規行為的法定能力，以履行規管責任。監管局的監管機制既已成形，我們應該集中建立一種『誠信公平可創富』的文化。」

她解釋，監管機構不可不斷增加懲處措施，監管機構需要做的是，建立一套公眾和業界認同和遵守的道德基準。

良好管治是關鍵

陳韻雲女士表示，監管局一向關注從業員在推銷一手樓盤時的秩序和紀律。一方面，監管局將繼續認真地與發展商、警方、公共交通機構，以及地產代理公司的管理層保持緊密合作。另一方面，監管局將致力糾正那些滋擾途人和駕駛者的違規從業員的想法。監管局須要從地產代理管理層著手，提醒他們必須要嚴謹監察前線從業員，確保他們採用良好營銷手法。

陳韻雲女士相信，整體來說，地產代理行業能否健康發展，地產代理公司能否實行良好管治是關鍵因素之一。監管局會繼續投放資源，協助地產代理公司管理層實施良好管治，例如就電腦資料管理或者良好執業手法方面提供指引。

“The EAA is now well endowed with optimum hardware for its regulatory role, equipped with licensing, disciplinary and penal capabilities. With the hardware squarely in place, the EAA should focus on instilling a culture of **‘It pays to play fair and proper’** amongst practitioners”, said Ms Chan.

Ms Chan explained that there is a limit to how many more penal measures any regulator can impose. Regulators should instead build a moral benchmark to which both the public and the trade should come to expect and conform.

Proper governance is the key

The maintenance of order and discipline at first-sale sites has always been a major concern for the EAA. Apart from working closely and conscientiously with developers, the police, public transport providers and the management of estate agencies, the EAA faces the challenge of resetting the mindsets of errant practitioners who harass pedestrians and drivers

to solicit business. A lot of this has to do with reminding the management of estate agencies to closely monitor their frontline practitioners to ensure adoption of good trade practices.

On the role of the management of estate agencies, Ms Chan said proper governance is key to the well being of the industry. The EAA

will continue to provide resources to help management exercise effective control, for example, by providing guidelines and pro-forma in data software management or proper sales practices.

「監管機構不可不斷增加懲處措施，監管機構需要做的是，建立一套公眾和業界認同和遵守的道德基準。」

“There is a limit to how many more penal measures any regulator can impose. Regulators should instead build a moral benchmark to which both the public and the trade should come to expect and conform.”

充分肯定「自我完善」的精神

陳韻雲女士指出，「自我完善」的精神如果獲得充分的認可，可以為公眾及業界帶來好處，有利於建立新文化。由監管局推行的自願性持續專業進修計劃就是一個有力的例子。去年，共有495場持續專業進修活動舉行，吸引了多達31,010人次參與。對於從業員來說，「時間」可能是他們專業生涯裏最寶貴的資產，而進修活動能吸引如此多從業員參與，實在是一項不可小覷的成就。

她補充，良好公民責任和良心消費乃世界趨勢。香港社會服務聯會的「商界展關懷」標誌，和英國的公平貿易證書，都是體現了這個世界趨勢的顯著例子。監管局在此時進一步實踐使命，建立道德基準，可能相對較容易。

陳韻雲女士說：「企業良心的價值觀念，要得到商界和社會大眾的欣賞，實在需要決心和耐性。這大方向實在非常重要。本港地產代理業界渴望其專業地位備受認同，而事實上業界也理應獲得如此的地位。如果監管局在這方面擔當領導者的角色，只要付出時間，努力不懈，業界和社會在這個過程之中將會同樣獲益匪淺。香港這個國際金融中心，將會更展光芒。」■

Due recognition for “Being Good”

On the other hand, due recognition for “Being Good” can work to the advantage of both the trade and the public interest in the promotion of the new culture. The EAA’s voluntary Continuing Professional Development (CPD) regime is a shining example of such. Last year, 495 CPD courses were organised, attracting an enrolment of 31,010. With “time” probably the most valued commodity in licensees’ professional life, it is no mean feat to have such a large number of voluntary participants.

Ms Chan added that it is a global trend to encourage good corporate citizenship and ethical consumption, with the Hong Kong Council of Social Service’s “Caring Company” logo and the United Kingdom Fair-trade certification being two good examples. This global trend might make it easier for the EAA to take the mission of building a moral benchmark further.

“It will require both resolve and patience to realise the full appreciation of these values by the trade and the public at large. It is certainly a much-needed direction. The local estate agency trade generally aspires to be recognised as a profession, which indeed, it should deservedly be so. Should the EAA take up the role of a collective leader in this respect, and given time and perseverance, both the trade and the community have much to gain from such a process. Hong Kong will shine brighter as a global finance centre,” she said. ■



牌照申請人切勿虛報學歷

Licence applicants must not submit false educational qualifications

監管局的主要職責之一，是根據《地產代理條例》及《地產代理（發牌）規例》為符合發牌條件的牌照申請人發出執業牌照。申請人須填寫申請表格並遞交證明文件，包括學歷證明，以證明其符合發牌條件。

根據《地產代理條例》，發牌條件之一為申請人必須完成中學五年級或具備同等程度的學歷。過去，監管局通過監察和抽查，曾發現有牌照申請人或持牌人遞交虛假證明文件，例如虛假畢業證書。監管局會將有關個案轉交警方跟進，若涉及持牌人，會將個案呈交監管局紀律委員會進行紀律研訊。過往，紀律委員會曾因此撤銷一名持牌人的牌照。

最近監管局曾將懷疑使用虛假學歷證明文件的個案轉交警方，結果當事人因此遭受刑事檢控，被判罰社會服務令。■

The EAA's principal duties include the issuance of licences to applicants who fulfil the licensing requirements under the Estate Agents Ordinance (EAO) and the Estate Agents (Licensing) Regulation. Licence applicants have to complete an application form and submit documents (one of which is proof of their educational qualifications) to verify their fulfilment of the licensing requirements.

Under the EAO, one of the licensing requirements is completion of an educational level of Form Five or its equivalent. In the past, it was found by the EAA, through inspections and spot checks, that some licence applicants or licensees had submitted fake documentation, such as fake graduation certificates. The EAA will pass such cases to the police for follow-up action. Should the cases involve licensees, inquiry hearings will be conducted by the EAA Disciplinary Committee and disciplinary actions may be taken. The

Committee has in the past revoked the licence of one licensee who submitted a forged graduation certificate.

The EAA recently referred a case to the police involving fake proof of educational qualifications. The person concerned was prosecuted and sentenced to community service. ■



從業員切勿擅自取用樓盤資料

Practitioners must not copy listings information without permission

樓盤和客戶資料是地產代理公司的重要財產，因此監管局提醒從業員，在未經僱主同意的情况下，切勿擅自取用這些屬於僱主的資料，否則有可能違反《操守守則》而被紀律處分。

最近有兩名從業員未得僱主同意，抄錄在電腦內的樓盤資料。監管局紀律委員會就此個案舉行紀律研訊，裁定指稱成立，並認為從業員的行為不但嚴重破壞僱主與員工之間的互信關係，而且破壞地產代理的專業形象，令行業的信譽或名聲受損，因而沒有遵守《操守守則》第3.7.2段。結果，該兩名從業員被暫時吊銷牌照14天，而其牌照上也被附加條件，分別要求他們取得12和6個持續專業進修計劃核心科目的學分。

此外，監管局也十分關注有從業員未得僱主允許，把屬於僱主的客戶或放盤資料轉移至另一家地產代理公司。監管局提醒從業員，這些俗稱「偷盤射單」行為除了違規之外，可能因違反對僱主的忠誠而被僱主追討賠償，甚至會觸犯刑事罪行。 ■



Information about clients and listings is regarded as an asset of estate agency firms. Without their employers' permission, practitioners should not copy such information. If they do, they may breach the Code of Ethics and be subject to disciplinary sanctions.

Two practitioners copied listings information from the computers of an agency without their employer's permission. The Disciplinary Committee conducted an inquiry hearing and found the allegations substantiated. The Committee also found that the conduct of the practitioners had not only damaged the trust between their employer and them, but also harmed the professional image of the trade, bringing disrepute to the trade as a whole, thus failing to comply with paragraph 3.7.2 of the Code of Ethics. The practitioners' licences were suspended for 14 days and conditions were also attached to them, requiring them to obtain 12 and six CPD points respectively in cores subjects of the CPD Scheme.

The EAA is also concerned about practitioners' engaging in the transfer of clientele or listings without their employers' permission. If practitioners engage in such acts, they may be sued for damages by their employers or even be guilty of a criminal offence, in addition to facing disciplinary action by the EAA. ■



監管局提醒從業員不應作出失實陳述

EAA reminds practitioners not to make misrepresentations

監管局約見六大地產代理公司的管理層，提醒從業員推銷一手樓盤時不可作出失實陳述。監管局同時於持續專業進修計劃講座加入城市規劃的內容，讓從業員掌握有關知識，為買家提供準確的物業資料。

今年6月初，傳媒報道「環保觸覺」的成員假扮買家接觸從業員時，有從業員涉嫌就馬鞍山某一手樓盤附近項目的發展密度，提供誤導性的資料。監管局隨即於6月8日約見獲發展商授權作推廣活動之六間地產代理商的管理層，要求他們提醒轄下的從業員，就有關發展項目的陳述，範圍應限於發展商所提供的售樓書及文件中的資料。從業員亦應採取一切合理步驟及盡一切應盡努力核實該等資料。同時，監管局亦主動接觸「環保觸覺」，了解事件，並就「環保觸覺」的指稱作出調查。

The EAA met the management of six estate agencies to remind practitioners not to make misrepresentations during first-sale activities. In addition, the EAA included a section on town planning in a CPD seminar to enable practitioners to provide accurate information on the subject to buyers.

In early June 2009, there were media reports of practitioners allegedly providing misleading information on the density of developments around a first-sale site in Ma On Shan to members of "Green Sense" who posed as potential buyers. On June 8, the EAA held a meeting with the management of six estate agency firms appointed by the developer to promote the development. In the meeting, the management was asked to remind their estate agency practitioners to restrict representations about the property to information contained in the sales brochure and documents supplied by the developer. Practitioners should also take all reasonable steps and exercise all due diligence to verify such information. In addition, the EAA approached "Green Sense" to obtain more information about the incident and is now investigating the allegations made by "Green Sense".



監管局執行總監黃維豐先生（左四）與六大地產代理公司的管理層會面，提醒他們確保屬下的從業員推銷一手樓盤時遵守秩序和法規。

EAA Director of Operations Mr Anthony Wong (fourth from left) meets the management of six estate agency firms and reminds them to ensure their practitioners keep order and comply with the laws and regulations at first-sale sites.

另外，監管局於8月13日的「物業估價及市區重建」持續專業進修講座中加入新的內容，由導師即場示範在規劃署的「法定規劃綜合網站」瀏覽法定圖則，以及介紹要點和常見名詞，藉此鼓勵從業員在推銷一手物業時應用有關知識，向準買家提供可靠資訊。 ■

In addition to meeting estate agencies, the EAA incorporated a new section in the "Valuation and Urban Renewal" CPD seminar held on 13 August. Included in the seminar were a demonstration on browsing statutory plans in the "Statutory Planning Portal" of the Planning Department and an introduction to salient features and usual terms used in the statutory plans. The course sought to boost practitioners' knowledge of planning issues so that they could provide reliable information to potential buyers. ■

從業員切勿在行車道上截車兜客

Practitioners should not intercept cars on the road

監管局非常關注有從業員在推銷一手樓盤時，在行車道上截車兜客。在今年1月至9月，監管局發現有十名從業員涉嫌截車兜客。監管局紀律委員會已於10月就其中五名從業員的截車行為舉行紀律研訊，他們均被罰款2,000元和暫時吊銷牌照14日。另外涉及兩名從業員截車個案的相關紀律研訊將於稍後舉行，其餘三名從業員的個案則仍在處理當中。

The EAA is very concerned about practitioners' intercepting cars on the road when soliciting business at first-sale sites. In the first nine months of 2009, ten practitioners allegedly intercepted cars when soliciting business. In October, the EAA Disciplinary Committee imposed a fine of \$2,000 on five of the practitioners and suspended their licence for 14 days. Inquiry hearings into two other cases will be held at a later stage and the rest are under investigation.

監管局提醒從業員，在行車路上攔截車輛招攬生意，是罔顧個人及他人安全的行為。對駕駛人士、車上乘客和其他路人造成阻礙及構成危險。 ■

The EAA reminds practitioners that intercepting vehicles on the road endangers their own safety and that of drivers, passengers and other road-users. ■



截車招攬生意是罔顧個人及他人安全的行為。
Intercepting vehicles on the road endangers practitioners' own safety and that of others.

