



伍華強 行政總裁
Augustine NG
Chief Executive Officer



我們仍將竭盡所能，確保維持高效、有效的服務，務求達到公眾對我們的期望。

We will nevertheless ensure that it is strictly in keeping with what is needed to maintain an efficient and effective service expected of us by the community.



對大多數人來說，置業是人生的一個重大決定。置業除了出於自住需要外，在香港這個國際化經濟大都會裏，物業投資也是普遍的市場活動。

由於大部分物業交易均透過地產代理完成，因此，為保障消費者權益及維護香港作為國際金融中心的地位，確保地產代理業界誠實專業並受到妥善有效的規管，可謂至關重要。

身為第四任監管局行政總裁，我完全明白此職責任重大。

這是我自2012年10月就任行政總裁以來發表的首份年報。在扼要匯報本局去年各方面的工作前，讓我先重點敘述2012/13年度幾項重要工作。

15年來首辦專業論壇

監管局於1997年11月成立，本年度是本局成立15周年誌慶。本局對地產代理業界實施了監管15年，是時候讓我們一方面回顧過去所取得的成果，另一方面則展望未來，審視今後如何進一步提高業界水平服務市民。

作為慶祝15周年的重點活動之一，監管局特別舉辦了一場專業論壇，是我們15年內首次舉辦同類活動。該場專業論壇讓所有相關人士有機會就着地產代理業界的未來發展交流意見。

在論壇上，我概述了監管局過去15年來所取得的重大成果，也分享了我對業界未來發展方向的想法。此外，我們非常榮幸邀請得香港中文大學許敬文教授親臨論壇，暢論「以顧客為本」的銷售趨勢及分析顧客行為，又邀得廉政公署于慧芬女士講述道德操守及公平交易的重要性，並由英國皇家特許測量師學會黎漢群女士分享她在香港應用國際準則的經驗。

從觀眾的回應可見，這場首次舉辦的專業論壇非常成功。論壇不僅為各界提供了交流意見的機會，還提供了難能可貴的平台，讓與會者討論有助推動業界未來發展的各項重大議題。今後，本局將籌辦更多此類論壇。

採用實用面積提高透明度

多年來，香港的住宅物業交易一直以「建築面積」為基準，但對很多人來說，「建築面積」的含義不易理解，因為除了單位的樓面面積外，建築面積還可能包括外部設施的樓面面積。因此，採用建築面積進行交易有時候或會引起不必要的誤解與爭拗。

為保障消費者權益，提高二手物業交易的透明度，加上預期有關一手住宅物業銷售的新法例將獲得通過，屆時法例規定必須採用「實用面積」表述物業面積；因此，監管局遂於2012年5月公布新政策，規定自2013年1月1日起，地產代理在推廣二手住宅物業時雖仍可沿用「建築面積」資料，但必須同時提供住宅物業的「實用面積」。

二手住宅物業市場採用實用面積，是香港物業市場的重大里程碑，象徵着住宅物業資料制度由傳統的含糊不清，轉而變為清晰透明及易於理解。全賴業界和傳媒通力合作，以及監管局員工上下一心作好準備工作，新政策才得以有效開展及順利實施。

Report of the Chief Executive Officer

To most people, buying a property is a lifetime decision. The need for a shelter apart, investing in property is a popular activity of our very much internationalized economy.

As most of our property transactions are done through estate agents, for consumer protection and to uphold our status as an international financial centre, it is of fundamental importance that we must ensure our estate agency trade is honest, professional and, above all, properly and effectively regulated.

As the fourth Chief Executive Officer (“CEO”) of the EAA, I can fully sense the weight of my responsibilities.

This is the first Annual Report that I present since I assumed the CEO position in October 2012. Before I give a brief account of our work on various fronts over the year, I would like to first highlight a few key events in 2012/13.

The First Professional Forum in 15 Years

The EAA was established in November 1997. This year we celebrated its 15th Anniversary. Having put the trade under statutory regulation for 15 years, it was high-time that we looked-back to review what we have achieved, and looked-forward to consider how best to elevate the standard of the estate agency trade to better serve our community.

As part of the 15th Anniversary celebrations, we organized a professional forum, the first of its kind in 15 years, to provide an opportunity for all concerned to share their ideas on the future of the estate agency trade.

At the forum, I re-capped the key achievements of the EAA over the past 15 years and shared my views on the broad directions for the future. In addition, we had the honour of having Professor Michael Hui of the Chinese University of Hong Kong to enlighten the audience on the trend of customer-oriented selling and customer behavior analysis; Ms Monica Yu of the Independent Commission Against Corruption to speak on the ethics and significance of playing fair; and Ms Cherrie Lai of the Royal Institution of Chartered Surveyors to share the experience of local application of international standards.

From the feedback of the audience, the first professional forum could be considered as very successful. It provided not only an opportunity for sharing of ideas, but also a much needed platform to discuss and cultivate an agenda of issues that are important for the development of the estate agency trade. We will organize more such forums in the future.



一手銷售市場的預期轉變

本年度另一重大里程碑是立法會於2012年7月6日制定《一手住宅物業銷售條例》(「該條例」)，該條例於政府指定的日期生效。根據新法例規定，銷售一手住宅物業時必須採用實用面積表述物業面積，在提供物業資料及銷售安排方面也有詳細的規定。

儘管該條例是由政府部門執行，主要針對賣方的銷售手法，但由於許多地產代理也參與銷售一手住宅物業，因此，監管局亦一直密切注意該條例的實施情況，並積極籌備發出相關的執業通告及開辦持續專業進修課程，確保在新法例正式生效時，地產代理能獲得充足指引，執業時配合新法例的規定。

加強推廣消費者資訊

常言道，保障消費者的最有效方法之一，是提高他們對物業市場的認識及了解。為確保購置住宅物業的人士清楚了解本身享有的權利，以及地產代理應提供的服務，監管局過去一年來一直致力推廣各種消費者資訊，包括：

- 在商場及港鐵站舉行11場巡迴展覽，向置業人士提供實用資料；
- 製作兩套關於實用面積及簽署地產代理協議的短片，在主要電視台及電台頻道播放；
- 印製小冊子及宣傳單張，加深置業人士對住宅物業交易的認識，以及對監管局工作的了解；及
- 安排23次專題採訪，並向傳媒供稿29篇，即平均每周一通過傳媒推廣與消費者相關的資訊。

Enhancing Transparency through Adoption of Saleable Area

For many years, residential property transactions in Hong Kong had been based on “gross floor area”. To many people, “gross floor area” is not an easy term to grasp because apart from the floor area of the flat concerned, it could also include the floor areas of external facilities. Using gross floor areas could, at times, give rise to unnecessary misunderstandings and arguments.

To protect consumers, enhance the transparency of second-hand residential property transactions, and in anticipation of the passage of the new legislation on the sale of first-hand residential properties which requires only “saleable area” be used, the EAA announced a new policy in May 2012 that, with effect from 1 January 2013, whilst “gross floor area” could still be used, estate agents in promoting second-hand residential properties must provide the “saleable areas”.

The adoption of saleable area in the secondary property market is a landmark event in the Hong Kong property market. It signifies a change from the traditional but often uncertain and unclear residential property information system to one that is clear, transparent and easy to understand. Thanks to the co-operation of the trade, the media, as well as the preparatory work by the dedicated staff of the EAA, the new policy has been very smoothly and effectively implemented.

Anticipating Changes in the First-hand Sales Market

Another landmark event of the year was the enactment of the Residential Properties (First-hand Sales) Ordinance (“the Ordinance”) by the Legislative Council on 6 July 2012, which would become operative on an appointed date to be announced by the Government. Under the new law, the sale of first-hand residential properties can only use saleable area, and there are detailed requirements on the provision of property information and sales arrangements.

Although the Ordinance is to be administered by the Government, and that it is mainly directed at the practice of vendors, the EAA is keeping a close watch on its implementation since many estate agents are also involved in the sale of first-hand residential properties. Preparations were in hand on the relevant Practice Circular and continuing professional development courses so as to ensure that estate agents are fully guided and prepared on the requirements of the new law once it becomes effective.

Stepping Up Consumer Information

It is often said that one of the most effective ways to protect consumers is to raise their awareness and knowledge of the property market. To ensure that purchasers of residential properties know their rights clearly, as well as what to expect from the service provided by estate agents, we have over the year stepped up our efforts in promoting consumer information, including:

- the holding of 11 roving exhibitions at popular shopping arcades and MTR stations on useful information for purchasers of residential properties;
- the production of two Announcements in the Public Interest, respectively on the subject of saleable area and signing of estate agency agreement, for showing on main TV stations and for broadcasting on main radio channels;
- the publication of a booklet and a corporate leaflet to enhance the knowledge of consumers in residential property transactions and the understanding of the work of the EAA; and

下文將概述監管局在年度內的其他工作：

資格考試及發牌

地產代理的監管制度由資格考試開始。資格考試既是整個制度的首個關卡，也是重要的門檻，在很大程度上決定了新入行人士的質素。

監管局於2012/13年度共舉辦了十次資格考試，包括四次地產代理考試及六次營業員考試，應考地產代理資格考試及營業員資格考試的人數分別為6,974人及9,031人，比2011/12年度分別下降約3.6%及18.1%，主要原因可能是物業市場放緩所致。2012/13年度兩次考試的平均及格率皆為46.1%。

根據《地產代理條例》，在香港從事地產代理的人士必須取得牌照，而且必須獲確認為「適當人選」才可執業。

於2013年3月31日，監管局合共發出37,001個有效個人牌照，較2012年3月31日的數字高出約6.2%；雖然參加資格考試的人數減少，但個人牌照數目仍然創出歷史新高。此外，在2012/13年度，公司牌照及營業詳情說明書的數量亦分別達3,004及6,333的歷史高位。

監管及執行

儘管物業市場有所放緩，但監管局仍須履行其法定職責，包括執行巡查，以及有效、公正地處理公眾投訴。

年內，監管局共進行了3,341次巡查，較去年增加近12.8%；另收到投訴共604宗，較去年上升近21.3%。經調查有關投訴及違規個案後，我們對513名查明違反《地產代理條例》的持牌人或前持牌人採取了行動，較2011/12年度增加27.3%。

專業進修

監管局一直致力提高業界的專業水平，為此，監管局推出及實施持續專業進修計劃。

於2012/13年度，監管局與其他培訓機構合共開辦了共500場持續專業進修活動，參與人次逾37,000，不論活動場次或人次均較去年輕微上升。持續專業進修課程內容廣泛，部分與業界的執業要求直接有關，而部分則旨在讓地產代理擴闊對其他相關範疇的認識，增進他們對物業市場的了解。

- arranging 23 feature interviews and contributing 29 articles to the media; that is, on average, one appearance every week, to promote consumer-related information.

I would now like to present a summary of our other key achievements.

Examination and Licensing

Our regulation regime begins with the qualifying examination, which is a key first step as it, to a large degree, helps determine the quality of new entrants.

In 2012/13, we organized a total of 10 qualifying examinations, four for estate agents and six for salespersons respectively. A total of 6,974 candidates sat for the Estate Agents Qualifying Examination (“EAQE”) and 9,031 for the Salespersons Qualifying Examination (“SQE”). Compared to 2011/12, the number of candidates sitting for the EAQE and the SQE decreased by about 3.6% and 18.1% respectively. The decrease was probably due to the slowdown of the property market. The average pass rates of EAQE and SQE both stood at 46.1% in 2012/13.

Under the Estate Agents Ordinance (EAO), all persons conducting estate agency work in Hong Kong must obtain a licence, and they must be considered as “fit and proper” persons.

As at 31 March 2013, there were a total of 37,001 valid licences granted to individual persons, which was about 6.2% higher than that of 31 March 2012. This was, despite the decrease in the number of candidates sitting for the qualifying examinations, an all time high figure. The number of company licences and statements of particulars of business (“SPOBs”) also reached new heights in 2012/13, at 3,004 and 6,333 respectively.

Regulation and Enforcement

Despite a slowdown in the activities of the property market, the EAA must still be seen to be discharging its statutory duties by carrying out compliance checks; and that it must be seen as effective and impartial in dealing with complaints lodged by the public.

This year, we conducted a total of 3,341 compliance inspections, which was an increase of about 12.8% over the previous year. We also received a total of 604 complaint cases, which was about 21.3% higher than that of the previous year. Having investigated the complaint and non-compliant cases, we took action against 513 licensees or former licensees who were found to have breached the requirements of the EAO, which was a 27.3% increase as compared to 2011/12.

Professional Development

Enhancing professionalism is our aim in raising the standards of the trade, and introducing and operating the Continuing Professional Development (“CPD”) Scheme is one of the important means of doing so.

In 2012/13, together with other training providers we organized a total of 500 sessions of CPD courses with over 37,000 enrolments, which are both slightly higher than those of the previous year. The CPD courses covered a wide-range of subjects, with some directly relevant to the practice of the estate agency trade; whilst others intended to raise the exposure of estate agents to related disciplines so as to broaden their knowledge of the property market.

加強與業界聯繫

監管局十分重視與地產代理業界保持良好的溝通。加強與業界的聯繫，有助我們解釋相關政策及規則，確保業界完全明白及遵守有關規定，同時我們亦可藉此聽取業界對監管局各方面工作的意見，讓我們盡早回應他們的需要。

年內，除定期舉行聯絡會議外，監管局還透過「聚焦小組」接觸前線從業員，討論日常工作中遇到的問題。於2012/13年度，我們便分別在四個區份舉行了四次會面。此外，我們還向持牌人發出了五份執業通告及23次提示，提醒他們注意一些與執業相關的事項。

監管局行政部門

資訊科技的進步，改變了我們的工作方式；同時，社會的公民意識日益提高，公眾對監管局等公共機構的期望亦不斷提升，因此監管局必須與時並進。為此，在董事局的支持下，我們在2012/13年度加強了數個範疇的工作。

為了推出一系列電子化服務供持牌人使用，我們特別增設了一個經理職位，負責開展各種資訊科技措施，推動資訊科技保安及管理事務。此外，我們亦新增數據分析職位，利用本局內部關於地產代理業界的大量資料，辨識有待改善的工作範疇，並制訂各項新措施。

要教育消費者，並非只是提高消費者意識和知識便可，還要讓消費者了解監管局所扮演的角色才行，因此，提高監管局的透明度是我們全年最重要的工作目標之一。在獲得董事局批准後，我們將於不久將來增設助理經理一職，務求加強宣傳及社區活動方面的工作。

計及年內新增設的職位，監管局行政部門於2012/13年度末的僱員人數達到92.5¹人。若考慮到監管局的工作量，以及所服務的持牌人數目，此一人手規模無論如何也絕不算大，然而我們仍將竭盡所能，確保維持高效、有效的服務，務求達到公眾對我們的期望。



(左起) 監管局規管及法律總監劉淑棻女士、行政總裁伍華強先生、服務總監韓婉萍女士及執行總監黃維豐先生，PMSM。
(From left) EAA Director of Regulatory Affairs and General Counsel Ms Eva Lau, Chief Executive Officer Mr Augustine Ng, Director of Services Ms Ruby Hon and Director of Operations Mr Anthony Wong, PMSM.

¹ 監管局採取聘請半職員工的政策。兩名半職員工相等於一名全職員工。

Strengthening Communications with the Trade

We consider it essential to maintain a good dialogue with the estate agency trade. Strengthening communications with the trade enables us to explain to them and ensure they fully understand and comply with our policies and regulations. At the same time, we can hear their views on various aspects of our work so that their needs could be addressed up-front.

This year, in addition to the regular Trade Liaison Meetings, we have also reached out to frontline practitioners by holding Focus Group Meetings with them to discuss issues which they have encountered in their day-to-day work. Four such meetings were held in 2012/13 in four different districts. In addition, we issued five Practice Circulars and 23 reminders to licensees to remind them of issues relating to their practice.

The EAA Administration

Advances in information technology have transformed the way we work, and with rising civic awareness members of the public have high expectations on the performance of public bodies, including the EAA. In such an environment, the EAA must keep up with the times. In this aspect, with the support of the Board we have been able to strengthen a few areas of our work in 2012/13.

To pave way for the introduction of a full range of electronic services for our licensees, an additional manager post was created to spearhead various information technology (IT) initiatives and promote IT security and governance. In addition, we have also set up a new Data Analysis function, which will make use of the large volume of information related to the estate agency trade that is in our possession, to help identify areas of work requiring improvements and develop new work initiatives.

Consumer education is not only about raising the awareness and knowledge of consumers, but also letting them know what the EAA can do for them. Enhancing the transparency of our work is, therefore, one of our key annual corporate goals. With the Board's approval, we will create an additional assistant managerial post in the near future to strengthen our work on publicity and community activities.

With a number of additional posts created in the year, the establishment of the EAA Administration has reached 92.5¹ at the end of 2012/13. With the amount of work to discharge and the number of licensees to serve, this size could not, by any standard, be considered as large. We will nevertheless ensure that it is strictly in keeping with what is needed to maintain an efficient and effective service expected of us by the community.

¹ The EAA has employed a strategy of hiring half-time staff. Two half-time staff are equivalent to one full-time employee.

總結

對監管局來說，2012/13 年度是既繁忙又豐盛的一年。

去年，監管局的工作量大增。事實上，由於越來越多個案有律師代表參與，因此，我們不但工作量增多，連工作的複雜程度亦相應提高。

展望未來，公眾的期望今後仍會不斷上升，對個人權利的意識也會越來越高，在這個環境中，我們要繼續對業界實施有效和高效的監管，以及提高業界的專業水平，實在是一項挑戰。

鳴謝

誠如上文工作總結所述，監管局在各職級員工總數合共不足一百、人手數目相對較少的情況下，在 2012/13 年履行職責時仍表現出色，這實在有賴局內所有員工專心致志、不辭勞苦地工作，我謹藉此機會向全體同僚衷心致謝。

此外，我在此亦特別感激董事局主席的支持和指導，以及各常設委員會主席及董事局成員所給予的寶貴意見。

最後，我謹代表監管局行政部門多謝下列機構對監管局一直以來的支持(按英文字母排序)：中國房地產估價師與房地產經紀人學會、文物保育專員辦事處、平等機會委員會、財經事務及庫務局、香港學術及職業資歷評審局、民政事務總署、香港測量師學會、廉政公署、政府新聞處、稅務局、聯合財富情報組、牌照事務處、個人資料私隱專員公署、差餉物業估價署、英國皇家特許測量師學會、香港律師會、以及運輸及房屋局。

行政總裁
伍華強

Conclusion

2012/13 has been another busy yet fruitful year for the EAA.

Over the past year, we have witnessed the workload of the EAA increasing in a significant way. Indeed, it is not only the volume of work that is on the increase; also on the increase is their complexity as more of the cases that we processed were legally represented.

Looking into the future, with the ever rising expectations of the community and greater awareness of individual rights, managing our regulatory role effectively and efficiently and raising the professional standards of the estate agency trade present some challenges to us.

Acknowledgements

As a reader can see from the summary of the work presented above, with a relatively small number of staff, less than a hundred inclusive of all grades and ranks, the EAA has done exceptionally well in 2012/13 in discharging our various duties. This could not have been accomplished without our hard-working and dedicated staff, to whom I would like to take this opportunity to express my heartfelt appreciation.

I am also deeply grateful to the support and guidance in particular of the Chairman of the EAA Board. I would also like to extend my gratitude to the Chairmen of all Standing Committees, and to Members of the EAA Board for their enlightenment and valuable advice.

Lastly, on behalf of the Administration, I would like to thank the following organizations for the support that they have rendered to the EAA (in alphabetical order): China Institute of Real Estate Appraisers and Agents, Commissioner for Heritage's Office, Equal Opportunities Commission, Financial Services and the Treasury Bureau, Hong Kong Council for Accreditation of Academic and Vocational Qualifications, Home Affairs Department, Hong Kong Institute of Surveyors, Independent Commission Against Corruption, Information Services Department, Inland Revenue Department, Joint Financial Intelligence Unit, Office of the Licensing Authority, Office of the Privacy Commissioner for Personal Data, Rating and Valuation Department, Royal Institution of Chartered Surveyors, The Law Society of Hong Kong, and Transport and Housing Bureau.

Augustine Ng
Chief Executive Officer