





機構管治
CORPORATE
GOVERNANCE

監管局一直着重保持良好的機構管治，並致力維持高公信力和透明度，以及體現問責精神，從而加強公眾對監管局的信心。

監管局董事局及行政架構

董事局是監管局的最高決策組織，負責制定所有主要政策，包括機構每年制定的五年發展計劃和年度預算案。董事局亦負責監察監管局行政部門的表現。

監管局所有董事局成員由香港特別行政區行政長官委任，設有正、副主席各一名及普通成員18名。成員來自社會上不同界別，包括地產代理行業和運輸及房屋局。

監管局董事局以下設有五個常設委員會和一個專責小組，負責處理監管局不同範疇的工作。本年度委員會和專責小組的職權範圍及成員名單載於附錄一。

董事局可不時就處理特別事宜，成立其他專責小組，有需要時，亦可委任非監管局成員的其他人士（即董事局委任成員），參與委員會、專責小組或工作小組的工作。

2012/13年度，監管局董事局、常設委員會及專責小組的會議次數和平均出席率如下：

監管局董事局

	2012年4月1日至 2012年10月31日	2012年11月1日至 2013年3月31日
2012/13年度會議數目	3	2
平均出席率	82%	87%
經審議的文件數目	29	32

The EAA is committed to keeping high standards of corporate governance and strives to uphold a high level of accountability, credibility and transparency, so as to foster public confidence in the EAA.

The EAA Board and Administration

The EAA Board is the highest decision-making authority of the EAA. It sets all major strategies and policies such as the annual 5-year corporate plan and annual budget, and monitors the performance of the Administration.

Members of the EAA Board are all appointed by the Chief Executive of the Hong Kong Special Administrative Region. It consists of a Chairman, a Vice-chairman, and 18 ordinary members from various sectors of the community, including the estate agency sector, and the Transport and Housing Bureau.

There are five standing committees and one panel under the EAA Board to oversee the various aspects of the EAA work. The terms of reference and memberships of the committees and panel during the year are at Annex 1.

The EAA Board may also from time to time set up working parties or groups to deal with specific issues and may appoint other persons (i.e. Board-appointed Members) who are not members of the EAA Board to the committees, panels or working groups, when necessary.

In the year 2012/13, the number of meetings and the average attendance rates of the meetings of the EAA Board, standing committees and working panel were as follows:

The EAA Board

	1 Apr 2012 to 31 Oct 2012	1 Nov 2012 to 31 Mar 2013
Number of meetings held in 2012/13	3	2
Average attendance rate	82%	87%
Number of papers considered	29	32

常設委員會及專責小組

2012年4月1日至2012年10月31日

常設委員會	會議數目	董事局成員 平均出席率	經審議的 文件數目
財務及策略發展委員會	1	70%	3
紀律委員會	1	100%	4
牌照委員會	5	63%	6
執業及考試委員會	2	94%	9
專業發展委員會	2	81%	11
第28條調查小組	0	0%	0

2012年11月1日至2013年3月31日

常設委員會	會議數目	董事局成員 平均出席率	經審議的 文件數目
財務及策略發展委員會	1	82%	6
紀律委員會	1	58%	6
牌照委員會	2	75%	3
執業及考試委員會	1	89%	5
專業發展委員會	1	57%	7
第28條調查小組	0	0%	0

監管局行政總裁負責領導行政部門，落實監管局的政策及管理其運作。

誠信及公正性

監管局實施兩層的申報利益制度，以維持公眾對其董事局成員的誠信及公正性的信心。監管局董事局成員及委任成員獲委任後，須向監管局申報其利益，並每年更新資料。此外，他們須於監管局所有會議上，申報涉及監管局所審議任何議題或事宜的利益，以及任何與監管局事務有利益衝突或潛在利益衝突的事件詳情。公眾可要求查閱紀錄有關利益申報詳情的登記冊。

在有關土地和物業權益方面，監管局的所有成員均須申報其在香港或海外的任何實益權益。須登記的權益包括：成員名下所持有、透過其他公司或個人間接持有、或其有權處置、或能從中獲得任何金錢利益的土地或物業。監管局行政部門的管理職級人員亦須遵循類似的規定申報利益。

Standing Committees and Working Panel

From 1 April 2012 to 31 October 2012

Standing Committees	Number of meetings held	Average attendance rate of Board members	Number of papers considered
Finance and Strategic Development Committee	1	70%	3
Disciplinary Committee	1	100%	4
Licensing Committee	5	63%	6
Practice and Examination Committee	2	94%	9
Professional Development Committee	2	81%	11
Section 28 Investigation Panel	0	0%	0

From 1 November 2012 to 31 March 2013

Standing Committees	Number of meetings held	Average attendance rate of Board members	Number of papers considered
Finance and Strategic Development Committee	1	82%	6
Disciplinary Committee	1	58%	6
Licensing Committee	2	75%	3
Practice and Examination Committee	1	89%	5
Professional Development Committee	1	57%	7
Section 28 Investigation Panel	0	0%	0

The Administration of the EAA is led by the CEO, who is responsible for implementing the EAA's policies and managing the EAA's operations.

Integrity and Impartiality

To maintain public confidence in the integrity and impartiality of EAA Board Members, the EAA adopts a two-tier reporting system. EAA Board Members and Board-appointed Members are required to register their interests with the EAA upon their appointment to membership and annually thereafter. They are also required to declare their interests at all EAA meetings in any subject and matter under consideration by the EAA, and any conflict of interest or potential conflict of interest they may have with the affairs of the EAA. The register of interests is available for public inspection.

Regarding interests in land and property, all EAA Board Members are required to declare any beneficial interests in Hong Kong or overseas. Registrable interests include land or property owned by a Member in his/her name or held indirectly through another company or person. It also includes land or property which a Member has a right over its disposition or has any pecuniary interest deriving from it. All managerial officers of the EAA Administration adopt a similar requirement in declaring their interests in land and property.

行政總裁和總監的離職後就業限制期分別為一年及六個月。經理級員工的離職後就業限制期為兩個月，同時，包括行政總裁和總監在內的所有員工，均不可於任職監管局期間及離職後兩個月內參加地產代理或營業員資格考試。

在《防止賄賂條例》下，所有監管局董事局成員及員工均被視為「公職人員」。

問責性及透明度

董事局為監管局制定了一套機構授權指引，加強問責。有關指引訂明董事局授權予常設委員會、專責小組和監管局行政部門的職權範圍，藉此確保監管局具備完善的制衡措施。

作為負責任的規管機構，監管局設有對公眾的服務承諾制度，並定期檢討服務是否達標。2012/13年度服務承諾及達標情況的詳情載於附錄二。

監管局自2010年7月2日起被納入申訴專員的監管範圍。於2012/13年度共接獲九宗申訴專員轉介的個案。截至2013年3月31日，其中七宗個案經研究及解釋後結束，其餘兩宗仍有待調查結果或採取進一步行動。

為提高工作的透明度，監管局每年向運輸及房屋局局長提交一份年報，並提呈立法會省覽。

監管局亦會通過傳媒、監管局刊物及網站等不同溝通渠道，向公眾發放有關監管局的工作及資訊。

制衡措施

監管局的財務報表須經由外部核數師審核。於2012/13年度，德勤•關黃陳方會計師行獲委聘為監管局的核數師。

為方便公眾取得有關監管局的資料，監管局已任命一名經理為公開資料主任，負責確保本局按照特定程序，妥善處理公眾根據監管局《公開資料守則》提出查閱資料的要求。

根據《地產代理條例》，持牌人或牌照申請人可透過書面方式通知運輸及房屋局局長，對監管局的決定提出上訴，包括監管局拒絕批給牌照或批出續牌申請的決定，或監管局施行的紀律處分。

運輸及房屋局局長須委任一小組人士組成委員團，專責聆訊上訴。委員團的主席須就每宗上訴個案，從委員團成員中委任成員組成審裁小組進行裁決。

The CEO and Directors' post-employment sanitization period are one year and six months respectively. There are also a post-employment sanitization period of two months on managers and a prohibition on all staff, including the CEO and Directors, to take the estate agents or salespersons qualifying examinations during and within two months after service.

All Board Members and employees of the EAA are considered "public servants" for the purpose of the Prevention of Bribery Ordinance.

Accountability and Transparency

To reinforce accountability of the EAA, a *Corporate Authorisation Manual* was formulated by the EAA Board. It ensures that a comprehensive framework of checks and balances is in place by specifying in detail the Board's delegation of authority to its standing committees, working panel and the Administration.

As a responsible regulatory body, the EAA has a set of performance pledges for its services to the public and the level of attainment of the pledges is reviewed regularly. Details of the pledges and the attainment level in 2012/13 are at Annex 2.

The EAA came under the jurisdiction of The Ombudsman on 2 July 2010. In the year of 2012/13, a total of nine inquiries from The Ombudsman were received. Seven of them were closed during the period with the remaining two inquiries pending result or further action as at 31 March 2013.

To increase the transparency of the EAA's work, the EAA furnishes the Secretary for Transport and Housing an *Annual Report*, copies of which have to be laid before the Legislative Council.

Members of the public are also kept abreast of the EAA's work and initiatives through various communication channels, such as the mass media, EAA publications and its website.

Checks and Balances

The EAA's statement of accounts is subject to audit by an external auditor. In the year of 2012/13, Deloitte Touche Tohmatsu was the auditor of the EAA.

To facilitate the public to access information about the EAA, the EAA has a designated Manager as the Access to Information Officer who is responsible for ensuring that requests for access to information under the EAA's Code on Access to Information are properly dealt with in accordance with specific procedures.

Under the EAO, licensees or licence applicants may appeal against the EAA's decisions concerning refusal to grant or renew a licence, or its disciplinary sanctions by writing to the Secretary for Transport and Housing.

The Secretary for Transport and Housing is required to appoint a panel of persons for the purpose of hearing such appeals. The appeals are determined by a tribunal, the members of which are appointed by the Chairman of the panel from members of the panel.