

# 行政總裁匯報 Report of the Chief Executive Officer



行政總裁  
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本人欣然以行政總裁身份發表任內第二份地產代理監管局（「監管局」）年報。監管局一如既往致力於規管地產代理行業、推動行業專業化，以及加強消費者教育，於2014/15年度也不例外。

I am delighted to present my second annual report of the Estate Agents Authority ("EAA") as the Chief Executive Officer. The EAA, as always, has been dedicated to regulating the estate agency trade, promoting the trade's professionalism and enhancing consumer education; and the year 2014/15 was no exception.

### 充滿變數的物業市場

比起前一年度的大幅下跌，2014/15年度的香港物業市場有回暖的跡象。即使香港金融管理局及香港按揭證券有限公司自2015年2月對物業按揭貸款實施一系列監管措施，2014/15年度的整體物業交易宗數相比於2013/14年度仍然高出51%，達90,082宗。買賣合約總值亦上升58%至6,170億元水平。然而，兩組數字仍然低於2012/13年度水平。

### A Buoyant Property Market

The property market in Hong Kong in 2014/15 has been slowly recovering from the significant drop in the previous year. While another series of supervisory measures on property mortgage loans made by The Hong Kong Monetary Authority and The Hong Kong Mortgage Corporation Limited have been in place since February 2015, the total number of property transactions in 2014/15, amounting to 90,082, is still 51% higher than the figure in 2013/14, and the total consideration has also risen by 58% to \$617 billion. Yet both figures are nevertheless lower than those of 2012/13.

話雖如此，牌照的數量較去年微升1.2%，個人牌照總數截至2015年3月底達35,859個。而參與資格考試的考生總數亦輕微上升0.75%至9,342人。

That said, the number of licences has slightly increased by 1.2% over that of the previous year. The total number of individual licensees reached 35,859 as at the end of March 2015, and the overall number of candidates participating in the qualifying examinations has also slightly increased 0.75% to 9,342.

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## 推動業界守法循規

過去數年，監管局曾向業界發出多份執業通告要求業界遵守。該等通告旨在提高地產代理行業對違規情況的警覺性，並長遠提升業界的專業水平。為進一步讓業界守法循規，監管局於2014/15年度分別對一手樓盤銷售點及地產代理商舖進行了1,159及1,809次巡查。巡查期間，監管局亦為持牌人講解新執業通告內容及有關執業要求。年內，監管局亦就網上廣告進行了614次抽查，也透過舉辦持續專業進修計劃講座、向持牌人發出信函，以及與業界進行定期會議等，提醒他們遵守新的指引。

## 適時發出執業通告

隨着《2014年印花稅(修訂)條例》於2014年初刊憲，經修訂的額外印花稅和買家印花稅的詳情最終落實。因此，監管局於2014年5月更新及發出相關的執業通告，以提醒地產代理在訂立任何臨時買賣協議前提醒客戶，購買該物業有機會需繳付額外印花稅或買家印花稅。

## Promoting Compliance in the Trade

Over the years, the EAA has issued various practice circulars for the trade to comply with. They serve to heighten the estate agency trade's vigilance against non-compliances and enhance the trade's professional standard. To further improve the conduct and compliance of the trade, the EAA conducted 1,159 compliance checks at first-sale sites and 1,809 at estate agency shops in 2014/15. During these checks, licensees were also educated on the new practice circulars and the requirements relating to estate agency practice. A total of 614 inspections of online advertisements were also conducted during the year. At the same time, the EAA reminded the trade to comply with the new guidelines through organising seminars under the Continuing Professional Development ("CPD") Scheme, issuing Letters to Licensees, and holding regular meetings with the trade.

## Issuing Practice Circulars Timely and Responsively

As the Stamp Duty (Amendment) Ordinance 2014 was gazetted earlier in 2014, details of the revised Special Stamp Duty ("SSD") and Buyer's Stamp Duty ("BSD") were at last finalised. Hence, in May 2014, a relevant Practice Circular was updated and issued, reminding estate agents that if it could be ascertained that the sale and purchase of the residential property being handled by them would be subject to SSD or BSD, they should draw their clients' attention to this fact before entering into any provisional agreement for sale and purchase ("PASP") and advise their clients appropriately.

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就有關從價印花稅的調整，監管局亦於2014年10月發出執業通告，提醒地產代理，除非獲特別寬免或另有規定，地產代理應在客戶訂立任何臨時買賣協議前提醒客戶，有關物業買賣須以較高稅率繳納從價印花稅。

此外，為推動地產代理公司有效地控制其地產代理業務及確保其前線代理守法循規，監管局於2015年3月發出相關新執業通告，並將於2015年9月生效。根據該通告，所有持牌地產代理應設立妥善的程序和清晰的指引讓員工遵循，確保其員工或在他的監控的員工遵守《地產代理條例》的規定。

監管局也預備了一套相關的「問與答」及「持牌地產代理的清單」並上載於監管局網頁，供業界參考。

In relation to the adjustments to ad valorem stamp duty ("AVD"), a Practice Circular was also issued in October 2014 to remind estate agents that they should bring to the attention of clients before they enter into any PASP that the sale and purchase of the property would be subject to the AVD at a higher rate unless specifically exempted or otherwise provided.

What is more, with a view to better facilitating the management of estate agency companies to properly control their business and ensure compliance of frontline agents, in March 2015, the EAA issued a new Practice Circular on effective control of estate agency business, which will take effect in September 2015. It sets out the integral parts of an effective governance system and provides guidelines on the establishment of proper procedures or systems to a licensed estate agent on how 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 Estate Agents Ordinance ("EAO").

The EAA also developed a set of relevant "Questions and Answers" and a "checklist for Licensed Estate Agents" which could be downloaded from the EAA website for the trade to adopt.



## 提升業界專業水平

為確保從業員符合《地產代理條例》的要求，監管局基於有關持牌人不再合資格繼續持有牌照，在2014/15年度共撤銷了45個牌照。年內，監管局亦對256宗違規個案作出裁定，共向255名持牌人進行紀律處分。

為提升現有持牌人的專業知識及鼓勵他們積極參與持續專業進修計劃，監管局於2014/15年度推出了一系列持續專業進修計劃的新鼓勵措施。

有關措施包括，持牌人如在2014年10月1日起至2015年9月30日止的進修時段參與監管局的網上學習活動，每成功累積三個核心持續專業進修學分，即額外獲發一分核心學分作為獎勵。

同時，在計算每個進修時段取得的持續專業進修學分時，參加網上遙距學習活動取得的持續專業進修學分再不設上限，直至另行檢視。

這些措施讓持牌人可透過網上學習平台以取得更多持續專業進修學分，並提供一個良好的機會讓他們不受時間和空間限制努力進修。

## Enhancing the Professional Standard of the Trade

To ensure that only those who meet the requirements of the EAO could stay in the trade, in 2014/15, the EAA revoked a total of 45 licences because those licensees were no longer eligible to hold a licence. During the year, the EAA has also adjudicated 256 non-compliant cases and a total of 255 licensees were disciplined.

On enhancing the professional knowledge of the existing licensees and to encourage licensees' participation in the CPD Scheme, a series of new incentive measures of the CPD Scheme were introduced in 2014/15.

The measures include awarding one bonus core CPD point to licensees who have successfully accumulated every three core CPD points from their participation in the EAA's e-Learning programmes, within the CPD period commencing 1 October 2014 and ending 30 September 2015.

At the same time, when calculating the CPD attainment for each CPD period, the number of CPD points earned by taking web-based distance learning activities is no longer capped until further review.

These initiatives allow licensees to earn more CPD points through the e-Learning platform, which offers a good learning opportunity to the licensees without time and space constraints.



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### 加強與業界及公眾的溝通

監管局年內繼續與業界商會舉行聯絡會議，並透過定期舉行的聚焦小組會議，與不同地區的前線持牌人保持雙向溝通。

此外，監管局也繼續與傳媒合作，並透過其他渠道，宣傳消費者相關資訊以及提升大眾對監管局的認知。年內，監管局舉辦了兩場新聞發布會、發出了22篇新聞稿及安排了28個專訪。監管局並為報章及媒體網站一共撰寫了53篇文章，藉以透過不同媒體推廣消費者相關資訊及介紹監管局的工作。

監管局在年內新製作了兩段消費者教育短片，名為「為免買賣有爭拗、持牌代理更可靠」及「臨約簽前填清楚、漏空必定損失多」，並上載至監管局網頁及YouTube頻道，藉此加強對外推廣。監管局也在不同地區的商場舉辦巡迴展覽，為消費者提供實用資訊。

### 未來的挑戰

監管、執法和教育是維持持牌人質素及水平的必要元素。監管局會繼續關注這些措施的成效，並致力讓持份者更深入了解本局的工作。

### Strengthening Communication with the Trade and Public

The EAA continued to hold liaison meetings with trade associations and meet frontline licensees in various districts through the focus group meetings regularly during the year to maintain a two-way communication.

In order to promote consumer related information and raise the public's awareness of the EAA, the EAA continued its efforts through collaborations with the media and other initiatives. During the year, the EAA organised two press conferences, issued 22 press releases, and arranged 28 feature interviews. A total of 53 articles were also contributed to newspapers and media websites to promote consumer related information and the EAA's work through different media.

In the year, the EAA produced two new consumer videos on the subjects of "Appoint licensed estate agent to avoid disputes" and "Fill in all the blanks in the provisional agreement for sale and purchase before signing to avoid loss". To enhance the EAA's outreaching efforts, these videos are available at the EAA's website and at the YouTube channel. The EAA also held roving exhibitions at several shopping malls in different districts. Display panels with useful information for consumers were set at the exhibitions for the public's viewing.

### The Road Ahead

Supervision, enforcement and education are the essential elements underpinning the quality and standard of the licensees. The EAA will continue to focus on the effectiveness of these measures and will strive to help our stakeholders better understand our work.



縱然物業市場充滿變數及挑戰，但憑著監管局主席及其他成員一直以來的真知灼見和指導，監管局很有信心能夠達成各項核心目標。本人亦謹藉此機會向局內不辭勞苦地工作的總監及員工衷心致謝，他們都在工作中顯示出無比專業、專心矢志及堅定投入。我們能在年內有此成績，實有賴他們全力支持與無時無刻的投入精神。

Despite the challenges in the buoyant property market, the EAA is confident that it could ably fulfil its core objectives, thanks to the invaluable advice and guidance of the EAA Chairman and other Members. My appreciation also goes to our hard-working directors and staff, who have shown an incredible degree of professionalism, dedication, and commitment to their work. Without their strenuous support and readiness to walk an extra mile at all times, we could not have accomplished so much throughout the year.

韓婉萍  
行政總裁

**Ruby HON**  
*Chief Executive Officer*

