

執行及投訴

ENFORCEMENT AND COMPLAINTS HANDLING

條例執行組及投訴組透過處理公眾和業界的投訴，以及監察地產代理業界的執業情形，共同執行《地產代理條例》及其附例。

執行組經常巡查地產代理店舖及一手樓盤，亦寓教育於巡查。該組亦負責處理在巡查期間發現或由業內人士轉介的違規個案。投訴組安排職員當值，即時處理親臨或致電監管局的投訴。該組處理市民或經消費者委員會、議員辦事處或其他公營機構轉介，對地產代理違反操守和不良執業手法的投訴。

兩組須處理市民及地產代理大量查詢。透過監管局職員的解答，查詢者可獲悉《地產代理條例》及其附例的權限。在適當的情況下，本局職員會提供一般諮詢服務，務求令查詢者了解爭議的論點。查詢者在掌握清晰資料後可決定是否作出投訴。很多時，查詢者經解釋及進一步了解地產代理的職責後，輕微的爭議可獲解決，而有可能成為爭議的問題亦可避免。

The Enforcement and Complaints Sections work closely to enforce the provisions of the Estate Agents Ordinance and its subsidiary legislation through handling complaints from the public and the trade and monitoring the practice of licensees.

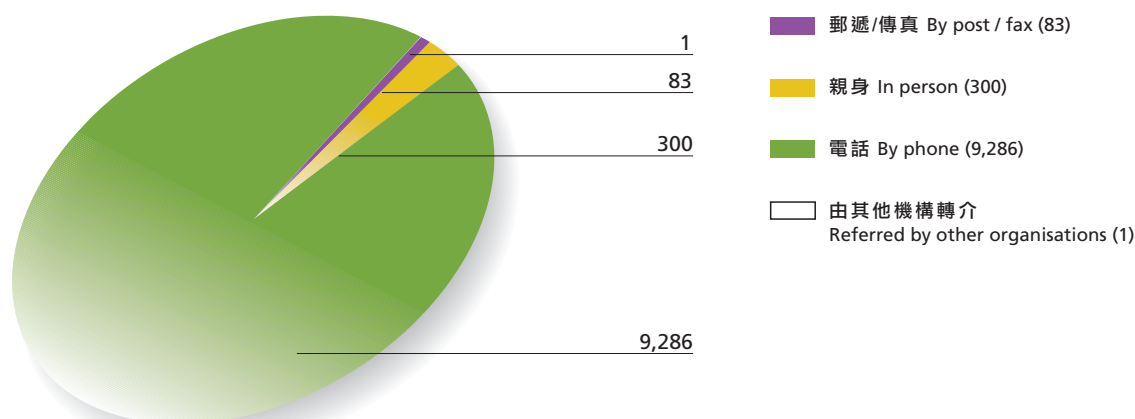
The Enforcement Section conducted frequent compliance visits to places of estate agency business and sites of first sales for the dual purpose of inspection and education. The Complaints Section manned the duty room where complaints either by phone or in person will be given immediate attention. Reported cases of non-compliance disclosed during compliance visits or referred from the trade, and complaints of malpractice and misconduct from members of the public or referred by Consumer Council, councillor's offices or other public bodies, were handled by the Enforcement Section and Complaints Section respectively.

Both Sections handled considerable numbers of enquiries from the public and the trade. Through the answers of EAA staff, the enquirers were apprised of the ambit of the Ordinance and its subsidiary legislation. Where appropriate, general advisory service was given to enable the enquirer to understand the issues involved in the dispute. The enquirer could then make the informed decision whether to lodge a complaint with the EAA. Very often, minor disputes were resolved and potential disputes could be avoided through explanation and better understanding of the role of the licensees.

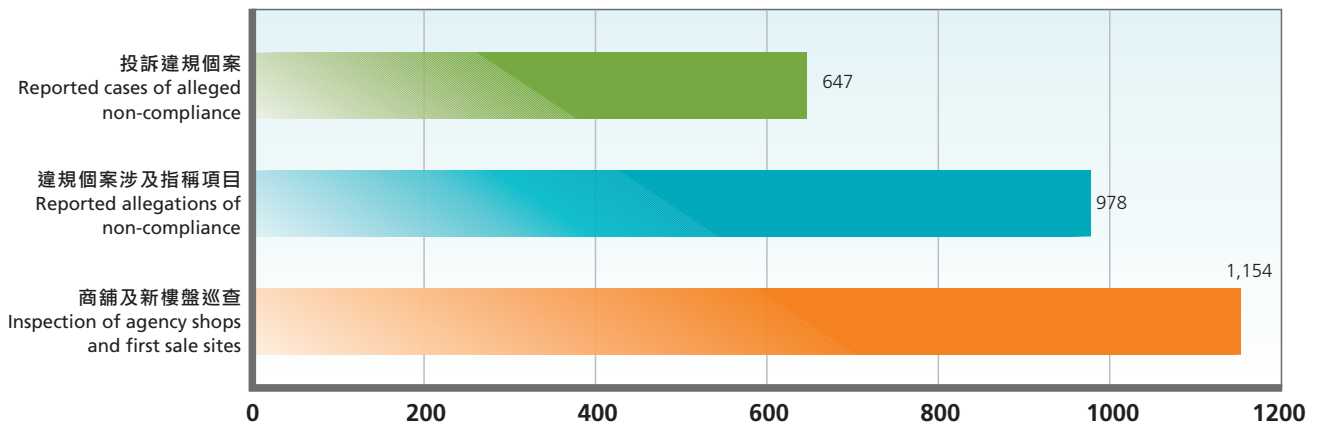
查詢 ENQUIRIES

本年度內兩組合共處理 9,670 個查詢。查詢方式如下：-

The two Sections together handled a total of 9,670 enquiries during the year. The modes of enquiries are as follows:-



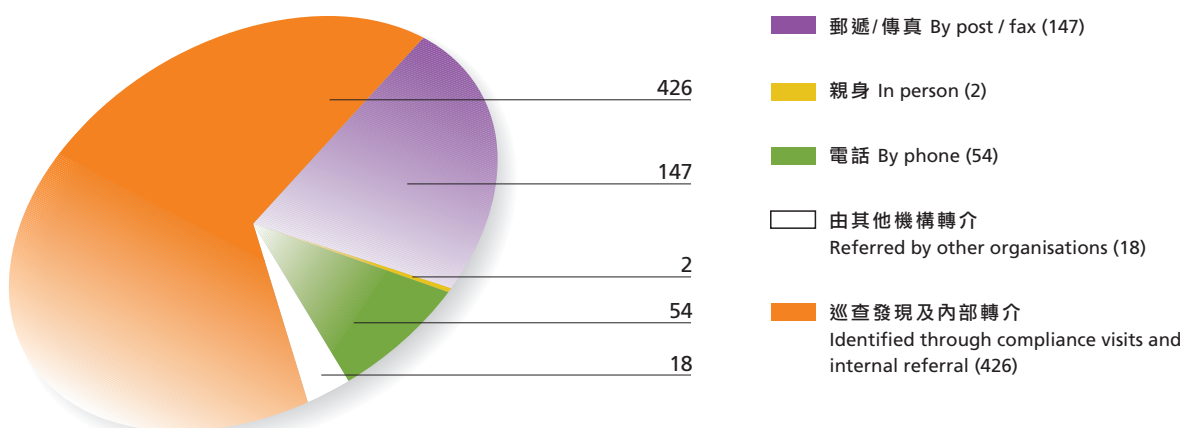
條例執行組 ENFORCEMENT SECTION



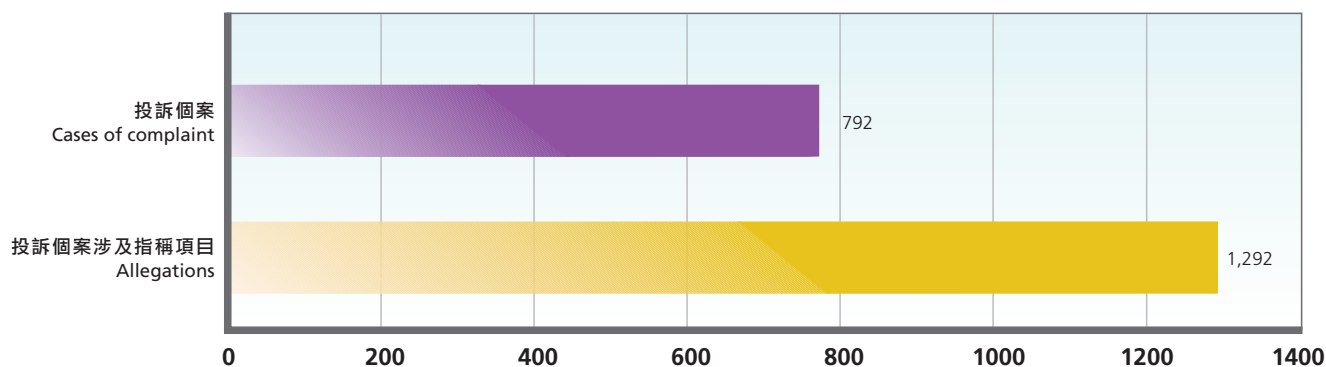
違規個案涉及指稱項目 ALLEGATIONS

無牌執業 Practice of estate agency work without licence	277
違反營業詳情說明書規定 Breach of regulation regarding the SPOB	88
違規廣告 Breach of regulation on advertising	63
違反執業規例 Breach of the Practice Regulation	532
其他 Others	18

違規個案舉報方式
How Non-compliance Cases Were Identified



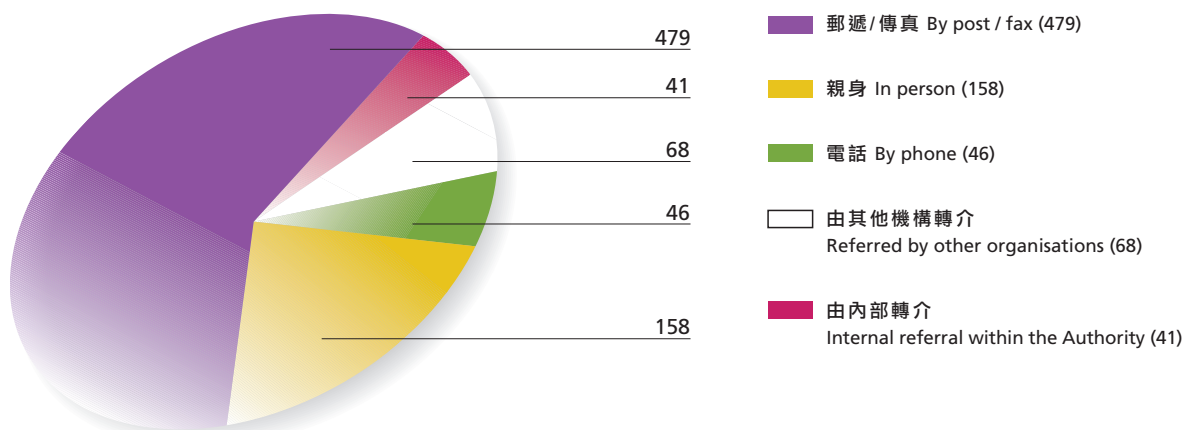
投訴組 COMPLAINTS SECTION



投訴個案涉及指稱項目 ALLEGATIONS

違反執業規例 Breach of the EAO and Practice Regulation	372
操守及執業手法 Conduct and practice matters	705
服務質素 Quality of service	24
專業水平 Professional competency	18
其他 Others	173

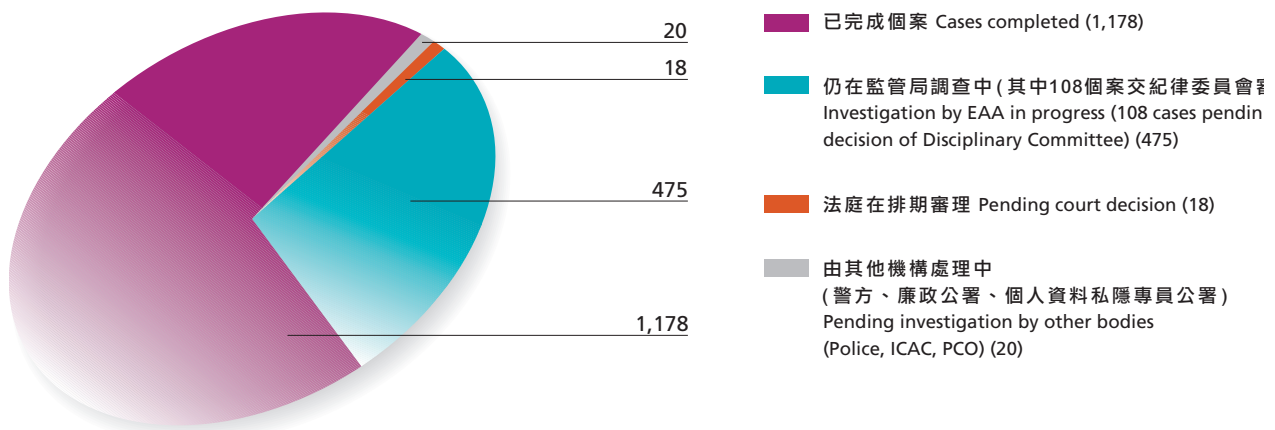
投訴方式
How Complaints Were Lodged



處理個案進度 PROGRESS

兩組合共處理了1,691宗個案(包括上年度未完成的252個案)。處理個案的進展如下:

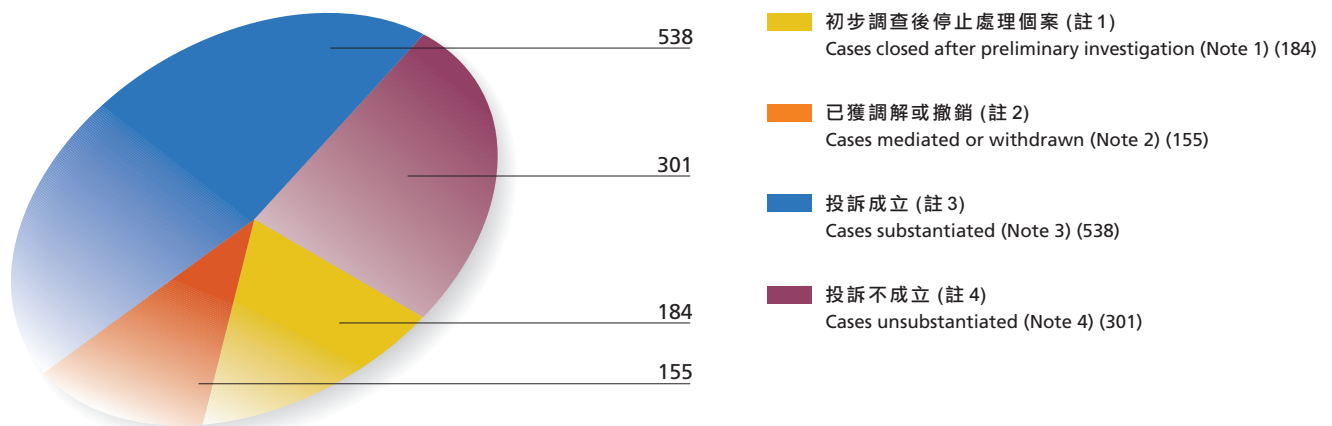
The two Sections together handled 1,691 cases (including 252 cases brought forward from last year) during the reporting period. The progress of the cases handled is summarized as follows : -



成立個案 SUBSTANTIATED CASES

在1,178宗已完成處理的個案中，994宗經審定為須進行正式調查。在這994宗個案中，155宗其後已獲得調解或投訴人撤銷投訴，其餘839宗經調查後，有538宗證實投訴成立。

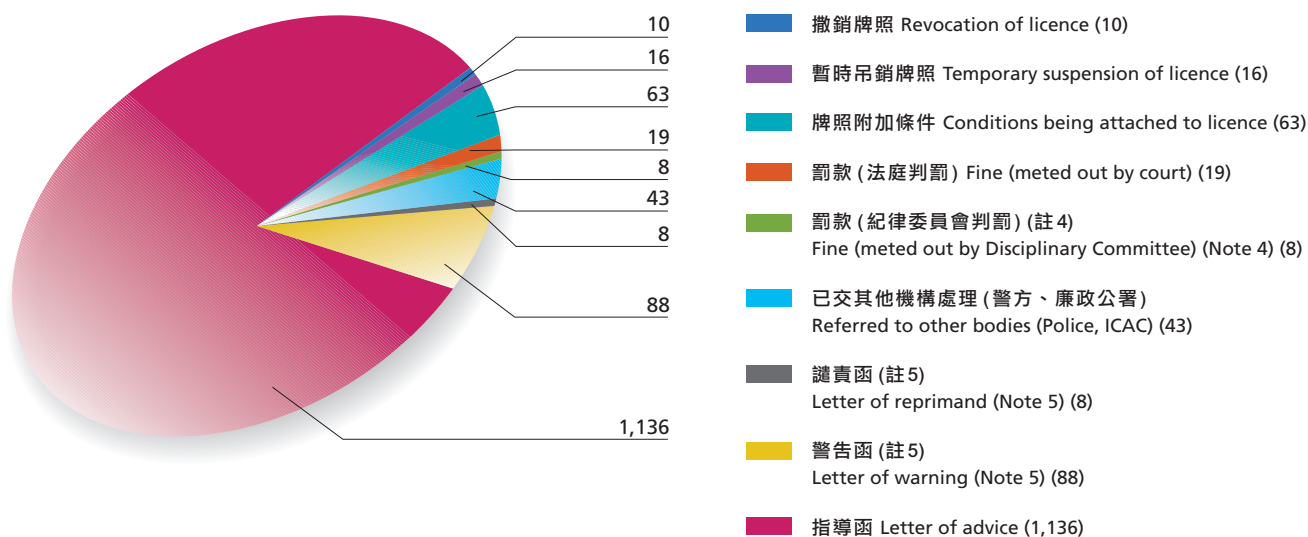
Of the 1,178 cases completed during the year, 994 cases were identified for formal investigation. Of the 994 cases investigated, 155 cases were subsequently mediated or withdrawn. Of the 839 cases fully investigated, 538 cases were found to be substantiated.



處分類別 ACTION TAKEN

投訴或違規個案完成處理後，可作不同方式的處分。就一些不成立個案，持牌人雖未有違反條例或其附例，監管局亦會發出指導函，以提倡良好執業操守。對於所有成立個案，紀律委員會按事件輕重作不同程度的處分，包括發出指導或警告函、訓誡、譴責、罰款、暫時吊銷或撤銷牌照或在牌照上附加條件。在某些個案中，有關管理層因未能有效地監察被投訴下屬，委員會亦予以指導或警告。若個案涉及刑事罪行，則交其他執法機構如警方或廉政公署處理。

On the conclusion of a complaint or case of non-compliance, various forms of action might be taken. In certain unsubstantiated cases, even though the licensees involved might not have breached the Ordinance or its subsidiary legislation, letters of advice would nevertheless be issued to them with a view to promoting good conduct and practice. In all substantiated cases, actions were taken against licensees ranging from a letter of advice to sanctions by the Disciplinary Committee which might, according to the seriousness of the breach, issue a warning, reprimand or admonishment, impose a fine, or revoke, suspend or attach conditions to licence. In certain cases, those in supervisory positions were also issued with letters of advice or warning for failing to monitor the actions of their subordinates who were being complained about. Where a criminal act was involved, the case would be referred to law enforcement agencies such as the Police and the ICAC for further action.



註 1 : 經初步調查後未有進行正式調查的個案將停止處理，原因包括未有足夠資料繼續進行及純粹與合約爭議有關。

Note 1 : Cases which were not formally investigated after preliminary investigation and closed for reasons of, inter alia, insufficient information to pursue or matters solely related to contractual disputes.

註 2 : 投訴事件輕微及已得到監管局調停解決，或投訴人及後與地產代理就爭議達成和解，撤銷投訴。

Note 2 : These represent cases where the matter complained of was trivial and had been mediated by the EAA or where the complainant had subsequently settled his dispute with the agent and withdrew the complaint.

註 3 : 若個案中一項或多項指稱被裁定成立，該個案亦視作成立。

Note 3 : Cases were considered substantiated if one or more of the allegations made were found substantiated.

註 4 : 罰款交付政府庫房。

Note 4 : Fine collected is accredited to the Treasury of the HKSAR.

註 5 : 若個案涉及多名持牌人或須對其上司進行處分，則須發出多封指導或警告函。

Note 5 : More than one letters of advice or warning would be issued where the case involved a number of licensees or where actions were also taken against the supervisors of the licensee(s) concerned.