



地產代理監管局行政總裁
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發牌

隨著過渡期在2001年年底的終結，地產代理持牌人數基本已穩定下來。然而，地產代理個人牌照與營業員牌照的比例，近年都一直在下降，由1999年的5.6:1大幅下降至本年度的1.45:1。

牌照組除了基本的發牌工作外，是年度亦同時進行一系列的計劃，包括提升中央牌照資料系統，令處理牌照申請的速度可加快，由21天縮減至14天，亦可讓執行組人員更快速有效查檢持牌人資料、提高工作效率；向所有個人牌照持牌人發出一張地產代理證，作為統一的身份識別文件；設立一個「查詢持牌地產代理電話系統」，讓市民更便捷地查核持牌人資料。

培訓及考試

是年度，培訓及考試組繼續致力提高從業員的專業知識，主辦不同主題的講座和研討會，以及聯繫各主辦課程的培訓機構，開辦適切從業員需要的課程。教育統籌局轄下技能提升計劃已撥款開辦地產代理技能提升課程，為學歷程度在中五或以下人士提供培訓，透過地產代理行業小組，監管局亦積極參與課程設計及統籌工作。

很高興再次為地產代理監管局撰寫週年工作報告。在過去一年，監管局得以順利和有效地履行各項法定職能，實有賴各方的支持和協助，以及業界充份的合作。本年報扼要交代監管局2002/03年度的工作。

It is my pleasure to prepare an annual report on the work of the Estate Agents Authority again. During the year past, the Authority was able to discharge its statutory functions effectively with support and assistance from all quarters and cooperation of the practitioners, and the following sections represent an overview of the work of the EAA during the year 2002/03.

LICENSING

The number of licensees has gradually stabilised since the conclusion of the transition period at the end of 2001. However, there was a remarkable change in the ratio between estate agents and salespersons, which registered at 1.45:1 at the end of the year under review compared to 5.6:1 when the licensing regime commenced in 1999.

Apart from regular licensing work, the Licensing Section was occupied with activities related to a number of projects. The enhancement of the Integrated Licensing Database System enabled the average processing time for a licence application to reduce from 21 to 14 working days and allowed the enforcement teams to access licensee data faster and with greater facility. The section also devoted much of its time and effort towards the issuance of the Estate Agent Card which was distributed to all licensees in April 2003 as a uniform means of identification, and the commissioning of a Licensee Listing Telephone Enquiry System at the same time.

TRAINING AND EXAMINATIONS

During the year under review, the Training and Examinations Section concentrated on the provision of training opportunities that would help to enhance the professional knowledge of practitioners, by organising talks and seminars and facilitating courses relevant to licensee needs at institutions of tertiary and vocational education. The EAA also actively participated in curriculum planning and programme development for the Skills Upgrading Scheme courses for estate agents which, primarily targetted at practitioners with an educational attainment not exceeding Form 5, were launched with funding from the Education and Manpower Bureau.

監管局與香港考試及評核局繼續為擬加入地產代理行業人士提供資格考試。過渡期結束後，參加地產代理考試者明顯減少了，但報考營業員試的卻有所增加。有此現象原因相信是一般考生已將營業員視為入行門檻，待有機會進一步發展時始參加地產代理考試。另外電腦化營業員資格考試每周舉行多場，提供了更頻密的考試機會。

是年度監管局繼續出版專題論集系列，已出版的有《物業產權負擔》、《認識土地查冊》和《代理法》，在編印中的則有《香港樓宇按揭》。另外，一本英漢及漢英對照，收集逾二千條與地產代理行業有關用語的《地產代理行業詞彙》，編輯工作亦差不多完成，預計可在下年度出版。隨著電腦及互聯網的使用日

漸普及，監管局已加強互聯網的內容，將監管局出版的刊物，包括培訓教材和參考資料內容上載於網頁內，方便從業員可隨時瀏覽。



條例執行及投訴處理

在2002/03年度，執行組共進行了866次商舖巡查，視察代理是否有違規行為，並誘導從業員依法執業。此外，執行組年內前往新樓盤展銷點巡查共324次，視察代理的秩序。執行組在是年度共處理了808宗違規個案，涉及指稱共1,229項。在過渡期後，無牌執業及相關的違規行為似有上升趨勢，執行組用了相當資源在調查和搜集證據上，以備紀律委員會進行紀律研訊，或警務處對違例者提出檢控。執行組在本年度共處理了6,744個來自從業員和市民的查詢，諮詢內容主要與執業法規有關。

投訴組在是年度共處理了516宗個案，其中209宗為持牌人破產，其餘為投訴個案，涉及的指稱共823項。該組年內亦處理了3,673項查詢。紀律委員會在是年度共召開了140次紀律研訊。如有需

Qualifying examinations continued to be administered with the support of the Hong Kong Examinations and Assessment Authority. With the close of the transition period the year saw a decline in the number of candidates for the Estate Agent examinations and a remarkable increase in those sitting for the Salesperson examinations. This is attributed to the candidates' recognition of the Salesperson licence as the point of entry into the trade, while the estate agent licence would be a qualification to seek for career advancement. To complement this trend the popular daily computer-based Salesperson examination continued to be held throughout the year.



The publication of the EAA Monographs continued during the year under review with new titles added to the series: Encumbrances, Interpretation of a Land Search, and Agency Law. Another volume, on Mortgages, was near completion by the end of the year. In addition, the compilation of A Glossary of Terms for the Estate Agency Industry, a volume that would feature over 2,000 terms commonly used in estate agency and related businesses in both languages, was also due to complete soon. With the increasing popularity of the computer and the use of the internet in the trade, the EAA website was further enhanced with the Authority's training and reference materials uploaded for ease of reference by practitioners.

ENFORCEMENT AND COMPLAINTS HANDLING

During 2002/03, the Enforcement Section conducted a total of 866 visits to trade establishments to check on practitioners' compliance and to promote and encourage practice in accordance with legislation. In addition, 324 inspections of estate agents operating at first-sale sites were made. During the year the section handled a total of 808 cases of non-compliance, involving 1,229 allegations. With the close of the transition period, it was observed that there was an increase in the number of cases pertaining to unlicensed practice and related offences. Substantial resources had to be directed to the investigation of such cases, and to the gathering of evidence for inquiry hearings by the Disciplinary Committee, or prosecution by the Police. The section handled 6,744 enquiries from practitioners and citizens on various matters pertaining to agency practice during the year.

During 2002/03, the Complaints Section received 516 cases, of which 209 were related to bankruptcy of the licensees. The complaint cases involved 823 allegations, and the section also handled 3,673 enquiries. During the year the

要，個別投訴個案亦會轉介警務處、廉政公署或其他執法部門進行調查或提出刑事檢控。投訴組在本年度出版了一部小冊子，系統地闡述投訴的審定和調查程序，以及裁定準則等，讓從業員和市民對監管局如何處理投訴有基本認識；同時，亦將投訴表格上載於監管局網頁上，以助投訴人在投訴時能提供更詳盡資料。

宣傳及公眾教育

監管局在過去一年繼續積極向公眾宣傳監管局的工作，以及推廣地產代理條例。在2001/02年度，監管局外展隊共舉辦了18次巡迴展覽和7場社區講座。監管局今年再度與消費者委員會合作，出版了一份「訂立租約須知」小冊子，講解有關租賃物業中業主與租客雙方須知的事項。

監管局在本年度參加了勞工處和香港貿易發展局合辦的「教育及職業博覽2003」，為推廣行業作宣傳。監管局亦繼續參予各大專院校舉辦的就業展覽或講座，向行將畢業的學生推介行業。



Disciplinary Committee conducted 140 inquiry hearings in regard of the cases received. Where appropriate, complaint cases were also referred to the Police, the ICAC and other law enforcement agencies with a view to criminal investigation and prosecution. During the year the section published a pamphlet giving information on the investigation process and the criteria for judgement. This was intended to help both practitioners and citizens obtain a better understanding of how a complaint would be dealt with. A standard complaint form was also devised and uploaded to the EAA website to assist complainants in providing details of the complaint more precisely and comprehensively.

PUBLICITY AND COMMUNITY EDUCATION

The EAA continued to make efforts to heighten the general public's awareness of the Authority and the legislation it enforces. A total of 18 roadshows were mounted throughout the year, supplemented by 7 community talks. The authority also collaborated with the Consumer Council again in the publication of a booklet on tenancy which gave comprehensive coverage of information essential to both landlords and tenants in the leasing of properties.

As in previous years, the EAA participated in the Education and Careers Expo 2003 organised by the Labour Department and the Trade Development Council to promote career prospects in the industry to the community at large. The Authority also took part in career education activities at various institutions of tertiary education to introduce the estate agency profession as a career option to graduating students.

法律事務

在2002/03年度，法律事務組的主要工作是檢討《執業規例》及研究對規例作出修訂。除了檢視《地產代理條例》及各附例的實施情況外，法律事務組亦為局內其他組別提供法律意見及在工作上作支援，以及協助紀律委員會進行研訊。

在2002/03年度，監管局共發出了11份「執業通告」，內容包括樓盤廣告的規定、街招海報、屋苑名單、電話促銷活動、居屋入息限額、信託戶口、推銷新樓盤事宜、平等機會、臨時買賣合約、「置業資助貸款計劃」、《2002年業主與租客（綜合）（修訂）條例》等。

LEGAL AFFAIRS

The work of the Legal Services Section in 2002/03 was dominated by the review of the Practice Regulation and the proposals for amendments related thereto. Apart from generally monitoring the implementation of the EAO and its subsidiary legislation, the section also provided professional support to all other sections in legal matters, and offered administrative support to the Inquiry Hearings of the Disciplinary Committee.

The EAA issued a total of 11 practice circulars in 2002/03, covering a wide range of topics. These included regulations on advertising, posting of unauthorized posters, lists of estates under the HA and HS, cold calls, income limits for applicants of HOS, trust accounts, first sales, equal opportunities, provisional agreement, Home Assistance Loan Scheme and the Landlord and Tenant (Consolidation) (Amendment) Ordinance 2002.

監管局在是年度亦曾應資訊科技及廣播局、房屋及規劃地政局、律政署、禁毒處、民政事務局及立法會條例草案委員會之請，就檢討、製訂或修改法例提供意見。

與業界的聯繫

監管局一直與業界保持緊密的溝通。除定期與商會代表會面，諮詢及聽取業內



意見外，監管局亦透過不同形式與其他業內組織、專業團體或個別商戶接觸，或出席商界的活動，廣拓交流的渠道。

在進行例行巡查時，監管局職員亦會收集業界的意見。監管局亦不時進行問卷調查，就不同事項諮詢從業員的意見。

監管局的財政狀況

由於各類牌照費在2002年1月底調低了30%，監管局本年度的收入相應亦減少了28.4%，由去年的4,790萬元減至3,430萬元。另考試收入因過渡期結束後考試人數銳減，亦減少了53.5%。在開支方面，監管局員工薪酬亦因應公務員減薪而調低了，另加上精簡架構及進一步將員工編制削減至54人，員工薪酬支出減少了5.7%。監管局的全年營運開支為3,800萬元，比上年度減省了13.8%。

在扣除財務支出和資本項目開支後，本年度的財政赤字為260萬元。監管局現時的兩個辦事處租約將於2003年第三季屆滿，監管局將另覓租金較廉宜的地方，以減低租金的支出。此外，監管局將繼續勵行樽節開支措施，相信未來數年可達至收支平衡。

During the year under review, the Authority was consulted by the Information Technology and Broadcasting Bureau, the Housing, Planning and Lands Bureau, the Department of Justice, the Narcotics Division of the Security Bureau, the Home Affairs Bureau and various bills committees of the Legislative Council on the review, formulation and amendment of legislations.

LIAISON WITH THE TRADE

The Authority has always maintained close liaison with the trade. Apart from regular meetings with representatives of the trade associations for consultation and access to trade opinions, the EAA also keeps in touch with the practitioners through a variety of channels, through contact with



different organisations within the trade, with professional bodies, as well as individual companies. Exchange of opinions is further facilitated by the Authority's participation at activities organised by the trade.

Officers of the EAA also collected trade opinions during their regular inspections, and questionnaire surveys were conducted to seek practitioners' views on various professional matters.

EAA FINANCE

With the 30% reduction in licence fees which became effective from January 2002, the overall income of the EAA for the year 2002/03 had, at \$34.3 million, decreased by 28.4% from the \$47.9 million of the year before. Furthermore, income derived from examination fees also decreased by 53.5% on account of the drop in the number of candidates for the qualifying examinations after the close of the transition period. In terms of expenditure, staff cost had decreased by 5.7% through salary reduction in line with Civil Service pay cuts and further streamlining of the workforce by reducing the staff establishment to 54. The total operating expenditure for 2002/03 was \$38 million, being 13.8% less than the expenditure the year before.

The deficit for the year after finance costs and capital project expenses was \$2.6 million. As the tenancy of the present office premises was due to expire in the third quarter of 2003, the EAA would seek accommodation at lower rental as a means of cutting cost. At the same time, a policy of economy would continue to be followed and a balanced budget will hopefully be achieved in a few years' time.

來年的工作重點

監管局將繼續簡化發牌程序，提高工作的效率，進一步縮短處理申請的時間。此外，因應電腦的應用日趨普及，亦為配合日後的智能香港身份證，監管局將逐步進行發牌電子化，使申請牌照、續牌、申報轉職任免等事宜可在互聯網上進行。此外，牌照資料庫亦將進行提升工程，加入持牌人修讀課程紀錄，以及將目前的續牌提示功能擴展至包括24個月暫免續牌期行將屆滿的前持牌人。

在培訓方面，監管局已計劃在2004年首季推行持續專業發展計劃。培訓組已著手籌備課程設計、學員成績考核、開辦課程院校的聯繫、持牌人修業紀錄，以及課程資訊發放等事宜，以應付計劃的推行。

除了由各培訓機構提供的持續專業發展計劃的課程外，監管局將繼續舉辦一些專題講座研討會，為地產代理從業員和新入行人士提供基礎法例知識。

至於培訓教材，監管局將繼續出版專題論集，下年度計劃推出的將包括合約法原則、工商樓宇的租賃、疏忽行為及地產代理業務管理等範疇。此外，配合持續專業發展計劃在明年推行，監管局資源中心將進一步擴充自學教材及其他相關的參考資料。

考試事務專責小組將繼續檢討資格考試的內容綱要，以配合業內環境的轉變以及法例的新增或修訂。

在公眾教育及宣傳方面，監管局除繼續透過巡迴展覽、社區講座及媒介廣告，加強市民的消費者權益意識外，亦會透過民政事務署、各大公營機構、銀行等向公眾派發單張小冊子，宣傳各有關法例。此外，監管局今後將會與消費者委員會作更緊密的合作，提高對消費者的保障。

監管局的投訴處理將採取更主動的方法，除調查投訴人提出的指稱是否屬實外，亦會縱觀被投訴人整體上是否依法執業。投訴組亦將進一步加強諮詢服務，讓查詢者對事件有更透徹的理解，以

HIGHLIGHTS OF WORK IN THE COMING YEAR

The EAA will continue its ongoing review on licence application and processing procedures with a view to enhanced efficiency and a shortening of the lead time required for licences to be issued. With the advancement in information technology and to complement the introduction of the Smart Identity Card, e-licensing will be implemented step by step so that the application and renewal of licences, as well as the serving of statutory reports on changes in employment, may be made through the internet. In addition, the licensee database will be upgraded to accommodate records of licensees' participation in training courses and to extend the renewal reminder service to ex-licensees approaching the end of the 24-month grace period.

The EAA is planning to introduce voluntary Continuing Professional Development courses in 2004 and preparatory work will be undertaken within 2003 in terms of curriculum planning, quality assurance for courses, liaison with course providers, building up a recording system for course participation, as well as publicity to promote the courses.

Apart from CPD programmes, the EAA will continue to organise talks and seminars on specific topics that will help to enhance the understanding of the legal aspects of agency practice by practitioners, in particular those who have recently joined the trade.

Training materials that are planned for the coming year include the continued publication of the EAA Monographs. Areas to be covered will include principles of the law of contract, the tenancy of commercial properties, negligence and the management of estate agency businesses. Furthermore, the holdings of the Resource Centre will be augmented in anticipation of the introduction of CPD courses.

The Examination Panel will continue the review of the examination syllabuses to accommodate changes in estate agency practice as well as recent legislative changes.

In the area of publicity and community education, the EAA will continue to heighten consumers' awareness and understanding of their rights through roadshows, community talks and media placements. In addition, it will continue to distribute pamphlets on various relevant legislations to the general public through District Offices, public organisations and other outlets. The Authority will also seek closer cooperation with the Consumer Council in enhancing the protection for consumers in property transactions.

Complaints will be handled on a more proactive basis and, apart from verifying specific allegations against the complainees, investigation will be conducted to establish whether the complainees' conduct has been, on the whole, in accordance with legislation. The Complaints Section will also strengthen its

確定是否需作出正式投訴，並避免存有不實際的期望。此外，監管局亦會加強員工培訓，改善處理查詢及投訴的技巧。

由於近年新樓盤較為活躍，監管局將加強巡查新樓盤銷售點，密切注視地產代理的秩序和執業手法，並會與警務處和各地產發展商建立更緊密的聯繫。

監管局計劃今後與各商會繼續緊密合作，共同舉辦招聘講座或展覽，吸引更多新人加入地產代理行業。同時，商會作為業界與監管局之間的橋樑，我們期望與各商會建立更多的溝通渠道。

鳴謝

本人代表監管局向各有關政府部門及公共機構、專上學院及培訓機構、業內各商會團體，以及傳播媒介等致意，感謝他們一直對監管局支持，並在各方面提供協助和給予寶貴意見。

感謝房屋及規劃地政局，在政策的制定及推行給予監管局全力的支持。感謝律政署在法律上給予寶貴意見。感謝香港警務處，協助檢控無牌執業人士，以及宣傳執業須領牌的訊息。感謝政府新聞署，協助法例宣傳及推廣工作。感謝香港考試及評核局，協助本局舉辦執業資格考試。感謝各專上學院、培訓機構，為地產代理從業員及有志加入行業人士提供基礎培訓及技能提升課程。

感謝消費者委員會，一直在保障消費者工作方面與監管局攜手合作。感謝廉政公署、私隱專員公署、職業訓練局、地產行政學會、香港測量師學會、律師公會等，年來為本局提供不少專業意見。感謝各商會、社團，以及各位以個人或團體名義的業界代表，就法例及政策推行給予寶貴的意見，以及對監管局工作的支持。我們更要感謝傳播媒介一直以來的幫助，悉力向社會大眾宣揚監管局的任務和有關法例，令監管局的工作推行得更順利。

advisory service so as to help enquirers understand their cases better and decide for themselves, in an informed manner, whether a formal complaint should be lodged. This process will also help to eliminate unpractical expectations on the part of the complainees. Staff training in the techniques of handling enquiries and complaints will be stepped up.

In view of the increased level of first-sale activities in the housing market, the EAA will step up its efforts in inspecting first-sale sites and to maintain close and effective surveillance on licensees' practice and orderliness at these sites. Closer liaison with the Police and the developers will also be sought.

The EAA is planning to cooperate more closely with the trade associations in the organising of programmes and activities that will encourage more citizens to consider a career in the estate agency industry. The Authority is also committed to opening more channels of contact with the practitioners through the trade associations.

ACKNOWLEDGEMENTS

I would like to take the opportunity here to express the Authority's deep appreciation to all government and public bodies, institutions of tertiary and vocational education, trade associations in the estate agency industry, and the media, for their continuing support over the years, and for their valuable assistance and advice from time to time.

Our thanks are due to the Housing, Planning and Lands Bureau for the full support given to the EAA in the formulation and implementation of its policies, and to the Department of Justice for its valuable opinions on points of law. We thank the Hong Kong Police Force for its assistance in prosecuting those who practise estate agency without valid licences and in disseminating the message of licensed practice, and the Information Services Department for its support in publicising and promoting the relevant legislation. We are grateful to the Hong Kong Examinations and Assessment Authority for administering the qualifying examinations. We are also indebted to the institutions of tertiary and vocational training for the many foundation and enhancement courses that they have organised for both practitioners and those who aspire to careers in the estate agency industry.

We are grateful to the Consumer Council for its partnership in efforts to protect consumer interest. To the Independent Commission Against Corruption, the Office of the Privacy Commissioner for Personal Data, the Vocational Training Council, the Hong Kong Institute of Real Estate Administration, the Hong Kong Institute of Surveyors and the Hong Kong Law Society, we owe a debt of gratitude for the benefit of their professional opinions over the years. Trade associations, various public organisations as well as representatives of the trade



結語

這是本人最後一次為監管局撰寫工作報告。作為監管局的首任行政總裁，本人不單見證了地產代理專業化的歷程，更親身參與了當中政策的製訂和推行，並透過規管和培訓，協助代理從業員提高專業知識和改善服務水平，為消費者提供更佳保障，本人實與有榮焉。回顧監管局始創初期，從草擬附屬法例、確立發牌制度、籌劃培訓課程、為從業員及新入行人士開設考核專業知識的資格考試、訂立投訴和規管機制、向公眾宣傳及推廣法例等，很多工作都須同時進行，在資源匱乏的情況下，幸賴監管局職員上下一心、努力不懈，我們終能如期完成各項工作，並為監管局日後發展奠下良好的基礎，這是值得欣慰的。本人謹此向監管局主席及各委員致謝，感謝他們在工作上給予不少寶貴意見；更感謝業界同人多年以來的支持和鼓勵。

地產代理實行發牌制度並踏上專業化至今剛超過四年，地產代理無論在形象或在專業知識水平上均有所提升，這固然反映出監管局多年努力的成果，不過，若然沒有業內從業員的支持和配合，相信也不能在這短短幾年間達到這目標。地產代理是一個龐大的專業隊伍，而且流動性頗高，要維持行業的水平，須靠監管局和業內從業員繼續緊密合作、共同努力。過渡期的完結並非為地產代理專業化劃上句號，而是為地產代理在專業發展上揭開新一頁。行業今後的發展路向，相信是監管局與業界一起面對的課題。

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whether in individual or corporate capacity have benefitted us with their views and opinions on the legislative and practical aspects of the regulatory regime, and rendered much appreciated support to the work of the EAA. We would also like to thank the media for their sustained support and their efforts in promoting the mission of the EAA and the relevant legislation to the community at large, which have been conducive to our work.

CONCLUDING REMARKS

This is my final report on the work of the Estate Agents Authority. As the first Chief Executive Officer of the EAA, I have the honour of witnessing the professionalisation of the industry, and participating in the formulation and implementation of the policies that facilitated the process. In this process, practitioners' professional knowledge and quality of service became much enhanced and the protection of consumer interests was further strengthened. During the early days of the EAA, myriad projects had to be executed at the same time, whether these pertained to the drafting of subsidiary legislation, licensing, creation of training programmes, institution of qualifying examinations for both practitioners and fresh entrants, the establishment of complaints handling procedures, or publicity and community education. It was most gratifying to see that, with the concerted efforts of all staff members of the EAA, these projects were successfully brought to completion with relatively scanty resources, and a sound foundation had been laid for the future operation of the EAA. Here I would like to take the opportunity to thank the Chairman and members of the Authority for their precious views and opinions, and our licensees for their support and encouragement over the years.

It has been just over four years since estate agents were first licensed on a professional basis. During this time there has been considerable improvement in the standard of professional knowledge among practitioners, and in the profession's public image. While this is indicative of the strenuous effort made by the Authority over the years, such improvement has also been the result of complementary efforts among the practitioners themselves. The estate agency industry comprises a large contingent of professionals whose job mobility is remarkably high. To maintain standards within the industry is an onerous task which must be shared by both the EAA and the practitioners themselves. The completion of the transition period has not brought the professionalisation of estate agents to a close, rather, it provides new impetus for a fresh chapter to be launched. The course of the future development of the estate agency industry in Hong Kong is, I believe, an issue that has to be jointly addressed by both the trade and the Authority.

Grace M Y Chow
Chief Executive Officer