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行政總裁
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地產代理是一支龐大的隊伍；從事的業務與香港的經濟發展息息相關。我能夠擔當規管者的角色，為提升行業的水平和保障市民利益而出謀獻策，個人感到既興奮、亦榮幸。

監管局自成立初期，在首任主席張建東先生和行政總裁周陳文琬女士的領導下，地產代理行業的考試制度、發牌制度和規管制度已經確立。而在過去一年，監管局的工作可以說是進入一個新里程。一方面，監管局繼續通過現行制度，規範地產代理從業員的執業，保障消費者權益。另一方面，監管局亦致力提升行業的專業地位和服務水平。以下扼要交代監管局 2003/04 年度的工作。

發牌工作

本年年底的持牌人數(包括地產代理和營業員)較去年底上升 5.8%；持牌地產代理公司數目則較去年上升 3.7%。

在本年度，牌照組除了繼續執行一般的發牌工作，亦致力提升中央牌照資料系統，縮短處理牌照申請的時間，令申請人得到更便捷的服務，亦讓執行組職員更快速有效地查檢續牌申請人的資料。

The estate agency industry employs an immense workforce and its activities are at the centre of Hong Kong's overall economic development. I feel excited and honoured to have taken charge of the regulation of the industry in 2003, contributing to the enhancement of its standards and to the protection of the public interest.

Since the establishment of the Estate Agents Authority - under the excellent leadership of Mr Marvin Cheung, the Chairman, and Mrs Grace Chow, my predecessor - the structure for examinations, licensing and regulation in the estate agency industry has been established. Building on this solid foundation, the Authority continued to strengthen oversight and promote the professionalisation of the real estate sector in the past year. An overview of the work accomplished by the Authority during the year 2003/04 follows.

Licensing

By year end, the number of licensees (estate agents and salespersons) had increased by 5.8% compared to 2002/03; the number of licensed estate agency companies increased by 3.7%.

In the year under review, the Licensing Section continued with its regular licensing work. The Section was also committed to the enhancement of the Integrated Licensing Database System, which contributes to the reduction of processing times for licence applications and allows enforcement teams to access licensee data more easily and efficiently.



監管局首任主席張建東太平紳士最後一次以主席身份主持監管局大會。是次會議亦是最後一次在大新金融中心舊址舉行的會議。
Mr Marvin Cheung at his last meeting as Chairman of the EAA-also the last meeting of the Authority at its Dah Sing Financial Centre premises.

培訓及考試

在本年度，培訓及考試組繼續舉辦多個主題講座和研討會，以及聯繫培訓機構，開辦切合從業員需要的專業課程。教育統籌局轄下「技能提升計劃」亦於本年度展開；監管局除積極參與課程設計及統籌工作外，亦定期向業界提供課程資訊。

監管局與香港考試及評核局繼續舉辦每年三次的地產代理資格考試及每周多場的電腦化營業員資格考試，為擬加入地產代理業人士提供充足的應試機會。地產代理及營業員考試的平均及格率分別為55.9%及73%。參加考試的考生仍以報考營業員試佔大多數。相信許多考生都將營業員視為入行門檻。

Training and examinations

As in previous years, the Training and Examinations Section continued to organise lectures and seminars and liaise with the tertiary and vocational training institutions in designing courses relevant to licensees' needs. Courses for estate agents under the Skills Upgrading Scheme were launched with funding from the Education and Manpower Bureau. Apart from participating in curriculum planning and programme development, the Authority also provided support in the promotion of these and other courses for professional development on a regular basis.

With support from the Hong Kong Examinations and Assessment Authority, the Authority continued to offer Estate Agent Qualifying Examinations, held three times per year, and the year-round, computer-based, Salesperson Qualifying Examinations, held several times per week, ensuring ample opportunities for those wishing to join the estate agency industry. The average pass rates for the Estate Agent Qualifying Examinations and Salesperson Qualifying Examinations were 55.9% and 73% respectively. A majority of the candidates took the Salesperson Qualifying Examinations, possibly due to the general acceptance of the Salesperson licence as a point of entry to the trade.

監管局在本年度相繼出版《香港樓宇按揭》專題論集及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《地產代理業辭彙》。此外，監管局繼續加強互聯網的內容，將過往出版的刊物、培訓教材和參考資料，上載於網頁內，方便從業員隨時瀏覽。

條例執行及投訴處理

在本年度，執行組共進行了 666 次商舖巡查，視察及檢舉違規行為，並誘導從業員依法執業。此外，執行組年內巡查各新樓盤展銷點共 448 次，視察代理的秩序。執行組在是年度共處理了 535 宗違規個案，涉及指稱共 841 項。同時，該組在本年度共處理了 4,967 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 741 宗個案，其中 236 宗為持牌人破產個案，其餘為投訴個案，涉及指稱共 772 項。該組年內亦處理了 3,841 項查詢。紀律委員會在本年度召開共 205 次紀律研訊。在有需要的情況下，個別投訴個案會轉介至警務處、廉政公署或其他執法部門，進行調查或提出刑事檢控。

In 2003/04, the Estate Agents Authority published a monograph on *Mortgages in Hong Kong* and *A Glossary of Terms for the Estate Agency Industry* which featured over 2,000 terms commonly used in estate agency and related businesses in both Chinese and English. In addition, the Authority further enhanced its website with publications and training and reference materials of the Authority in downloadable form for easy reference by practitioners.

Enforcement and complaints handling

During 2003/04, the Enforcement Section conducted a total of 666 visits to trade establishments to monitor practitioners' compliance with regulatory requirements, and to promote and encourage good practice in accordance with legislation. A total of 448 inspections of estate agents operating at first-sale sites were made. During the year, the Section handled a total of 535 cases of non-compliance, based on 841 complaints. In addition, the Section dealt with 4,967 enquiries from practitioners and the public on various matters related to agency practice.

The Complaints Section received 741 cases, of which 236 were related to bankruptcy of licensees. The remaining cases involved 772 allegations. The Section also handled 3,841 enquiries. The Disciplinary Committee conducted 205 inquiry hearings with regard to cases referred to it. Where appropriate, complaint cases were also passed to the Police, the Independent Commission Against Corruption and other law enforcement agencies for criminal investigation and prosecution.

公眾教育及宣傳

監管局在是年度繼續積極向公眾宣傳《地產代理條例》及監管局的工作。在本年度，合共舉辦了11次巡迴展覽和6場社區講座。

此外，監管局參加了勞工處和香港貿易發展局合辦的「教育及職業博覽2004」，亦繼續參予各大專院校舉辦的就業展覽及講座，向年青人推介地產代理專業。

法律事務

在本年度，法律事務組參予檢討《常規規例》，亦為局內其他組別提供法律意見和支援，以及協助紀律委員會進行研訊。監管局在是年度繼續發出執業通告，就防止「洗黑錢」及「偷盤」行為等事宜向從業員提供指引。紀律委員會亦簡化了處理持牌人破產個案的程序。

Community education and publicity

The Authority continued its activities to promote awareness of the Estate Agents Ordinance amongst the general public and to heighten recognition of the work of the Authority. A total of 11 roadshows were mounted throughout the year, supplemented by 6 community lectures.

As in previous years, the Authority participated in the Education and Careers Expo 2004 jointly organised by the Labour Department and the Trade Development Council. The Authority also took part in career education activities at various tertiary education institutions to introduce the estate agency profession as a career opportunity.

Legal affairs

In 2003/04, the Legal Services Section was involved in the review of the Practice Regulation. In addition, the Section provided legal opinions and professional support to the Authority's other sections and offered administrative support to the inquiry hearings of the Disciplinary Committee. The Authority continued to issue practice circulars on such topics as money laundering and unethical/unlawful transfer of clientele in order to provide practice guidelines for practitioners. The Disciplinary Committee also simplified procedures for the processing of cases relating to bankruptcy of licensees.





專業交流

在本年度，監管局曾組團前往北京，分別拜訪了建設部、商務部、港澳事務辦公室和中共中央統一戰線工作部等政府部門，隨後亦與建設部成立了一個聯合工作小組，探討兩地專業資格互認的可行性。

此外，監管局代表於是年度曾先後到訪廣州市、深圳市和北京市，與廣州市國土資源和房屋管理局、廣東省房地產業協會、深圳市規劃與國土資源局、深圳市房地產業協會、北京市國土資源和房屋管理局等機關，就兩地行業的規管和發展事宜交流經驗。監管局亦與多個商會代表參加了香港房屋委員會主辦的「國際房屋會議」。此外，監管局亦曾派員前往美國出席房地產牌照司法人員協會的國際性年會，藉此與世界各地的地產代理業監管機構聯繫，冀收借鑑之效。

Professional exchange

During the year, a delegation from the Authority visited Beijing. Delegates met with officials of the Ministry of Construction, the Ministry of Commerce, the Hong Kong and Macau Affairs Office and the United Front Work Department of the Central Committee of the Communist Party of China. As a result of the visit, a joint working group was established with the Ministry of Construction to explore the feasibility of mutual recognition of professional qualifications between the Mainland and Hong Kong.

A separate delegation visited Guangzhou, Shenzhen and Beijing and met with officials from the Guangzhou Municipal Administrative Bureau of State Land, Resources & Housing, the Guangdong Real Estate Association, the Shenzhen Municipal Bureau of Urban Planning and Land Resources, the Shenzhen Real Estate Guild, and the Beijing Municipal Administrative Bureau of State Land, Resources & Housing. The visit provided an opportunity for a useful sharing of experience between the two sides on the regulation and development of the real estate industry. The Authority, together with various trade associations, also participated in the 2004 Hong Kong International Housing Conference, organised by the Hong Kong Housing Authority. The Authority sent a delegation to the Annual International Meeting of the Association of Real Estate License Law Officials (ARELLO) held in the United States, to establish closer contacts with other estate agency regulatory authorities abroad and to share expertise.

與業界的聯繫

良好的溝通有助與業界建立彼此的互信，令規管工作更加順暢。監管局一直重視與業界保持聯繫，是年度經常與商會代表舉行聯絡會議，在重大政策或涉及業界執業的事宜上，主動諮詢和聽取業界意見。此外，監管局亦透過各種形式與其他相關專業團體接觸，廣拓交流的渠道。



Liaison with the trade

Communication plays a key role in building mutual trust between the trade and the regulatory authority, and this in turn contributes to smooth operations and regulatory work. The Authority has always placed a high priority on maintaining a close liaison with the trade and regularly meets with representatives of the trade associations to discuss policy changes and practice regulations. The Authority also keeps in touch with other professional bodies through a variety of consultative channels.



財政狀況

本年度監管局的經常性總收入為 3,517 萬元，較去年減少了 8.5%。主要是由於地產代理(個人)牌照與營業員牌照的比例持續下降，所以牌費收入減少。在開支方面，監管局於 2003 年 10 月將原先兩所辦事處合併並遷往灣仔合和中心，使租金支出減省了約 26.4%，而本年度的員工薪酬支出則減少了 5.3%。監管局的全年營運支出為 3,425 萬元，較去年減少 9.9%。在扣除財務支出和資本項目開支後，本年度的財政盈餘為 69 萬元。

Finance

The total income of the Authority at year end 2003/04 was \$35.17 million. This represented a drop of 8.5% compared to the previous year, mainly because of the reduction of licence fee income as a result of a change in the ratio of estate agents to salespersons. In terms of expenditure, rentals decreased by 26.4% as a result of the integration of two offices, and the move to the Hopewell Centre in Wanchai in October 2003. Staff costs also decreased by 5.3%. Total operating expenditure for 2003/04 was \$34.25 million, down by 9.9% on the previous year. The surplus for the year after finance costs and capital project expenses was \$690,000.

監管局將繼續貫徹審慎理財的原則，務求在收支平衡的情況下，有效地執行法定職能。

The Authority intends to continue to maintain a balanced budget through exercising strenuous budgetary control over the daily execution of its statutory functions.



Highlights of work for the coming year

As the real estate industry shows signs of revival, the Authority will increase its inspections of trade establishments and first-sale sites, ensuring close and effective surveillance of licensees' practice and helping to maintain good order at these sites. Closer liaison with the Police and developers will also be sought to ensure that practitioners act within the law. Appropriate action will be taken when breaches occur.

未來的工作重點

由於樓市有復甦的趨勢，監管局將加強巡查地產代理商舖及新樓盤銷售點，密切監察從業員的執業手法和秩序，並與警務處和地產發展商等保持緊密聯繫，確保從業員依法執業。如發現從業員有任何違規行為，即追究責任。

The Authority will continue to review legislation and regulation in the light of operational experience and changing circumstances. Where necessary, the Authority will make proposals to the Government to update and amend legislation.

The Authority will introduce the Continuing Professional Development (CPD) scheme at the beginning of 2005, offering a wide range of courses in law, work ethics, marketing, general management and supervision of staff.

此外，監管局將繼續檢討現行法例，在有切實需要時，向特區政府提出修訂建議，務求有關法規能夠與時並進。

在培訓方面，監管局將在2005年初推行持續專業發展計劃，此計劃涵蓋法律、專業操守、市場推廣、管理及員工督導等課程。監管局將聯繫院校、商會及其他相關機構，邀請開辦課程。此



外，亦會建立持牌人修業數據庫，以及加強培訓資訊的發放工作。監管局資源中心亦將進一步增加自學教材及相關參考資料，以配合計劃的推行。計劃推行首兩年為自願參與形式，期間監管局將收集業界意見，研究是否有需要轉為強制進修形式。

與此同時，監管局將檢討資格考試的內容範疇，並會配合社會人士的普遍期望，逐步提高地產代理資格考試的深度，以確保從業員達到專業的水平。

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，媒介廣告及單張小冊子，宣傳有關法規外，亦將製作新的宣傳短片，以加強市民的消費權益意識及推廣行業的專業地位。

展望來年，監管局將就行業的規管制度，加強與內地進行更緊密的專業交流和經驗分享，以共同促進兩地行業的長遠發展。



The Authority will liaise with educational institutions, trade associations as well as other organisations, on the provision of suitable courses. A database on individual licensees' participation in training courses will be introduced; and publicity of the various training opportunities available will be enhanced. The Authority's Resource Centre will incorporate new material on self-study and strengthen its collection of reference materials. Practitioners may participate in CPD programmes on a voluntary basis during the first two years. After this two-year period, the Authority will collect opinions from the trade and review the feasibility of making CPD programmes a mandatory requirement for all licensees.

In the coming year, the Authority will review the scope of the qualifying examinations. In accommodating the general expectations of the community, the Authority will look into the possibility of gradually heightening the requirements for the qualifying examinations and ensuring that practitioners will meet the fullest standards of professionalism in their business practice.

In the area of publicity and community education, the Authority will continue to heighten consumers' awareness and understanding of their rights and promote the professional status of the estate agency industry through roadshows, community lectures, media placements, pamphlets on relevant legislation as well as through the production of a new promotional video.

In the coming year, the Authority will arrange for more professional exchanges between Hong Kong and the Mainland dealing with the regulation of the estate agency profession to promote the long-term development of the industry on both sides.

鳴謝

本人代表監管局向房屋及規劃地政局、警務處、新聞署、廉政公署、香港考試及評核局、香港學術評審局、消費者委員會、私隱專員公署、職業訓練局、各有關政府部門及公共機構、專上學院及培訓機構、業內各商會組織，相關專業團體以及傳媒機構等致意。感謝大家一直支持監管局的工作，並在各方面提供協助和給予寶貴意見。

結語

香港的房地產市道經歷了多年的低潮，近日已逐漸復甦。地產代理專業亦隨之而再呈生機。儘管監管局的規管制度和行政架構已經有良好的基礎，市民和從業員仍然對監管局抱有很多期望，也有很多意見。我將繼續以坦誠開放、持平公正的態度滿足大家的期望、回應大家的意見。

行政總裁 **陳佩珊**

Acknowledgements

I would like to take this opportunity to express the Authority's deep appreciation to the Housing, Planning and Lands Bureau, the Hong Kong Police Force, the Information Services Department, the Independent Commission Against Corruption, the Hong Kong Examinations and Assessment Authority, the Hong Kong Council for Academic Accreditation, the Consumer Council, the Office of the Privacy Commissioner for Personal Data, the Vocational Training Council and all government and public bodies, institutions of tertiary and vocational education, trade associations in the estate agency industry, relevant professional bodies, and the media, for their continuing support over the years and for their valuable assistance and advice when required.

Concluding remarks

The real estate industry has, after several years in the doldrums, shown real signs of revival of late which have given impetus and strength to the estate agency sector. The Authority has I believe done a solid and effective job so far in terms of its operations and regulation; the community at large as well as the industry itself have high expectations but varied views on how the Authority should develop. We will continue to strive for excellence in all that we do in order to fulfill the trust and expectations vested in us. We are always open to ideas and opinions, and I look forward to continuing an open and positive dialogue with both the industry and the public at large over our future role and responsibilities.

Sandy Chan

Chief Executive Officer