

執行及投訴 Enforcement and Complaints Handling



《地產代理條例》及其附例主要由執行組及投訴組共同執行。

執行組經常派員到地產代理店舖及一手樓盤，巡察持牌人的日常執業，並對期間發現的違規情況，施以適當行動，並予以糾正。投訴組負責處理有關持牌人違反操守和不良執業手法的投訴，並通過處理投訴，確保《地產代理條例》及其附例的有效執行。

除處理持牌人的違規個案、違反操守和不良執業手法的投訴外，兩組亦會處理市民及業界的查詢。投訴組更安排投訴主任值勤，透過會面及熱線電話解答查詢。通過這些服務，查詢人既有機會表達意見，亦可更瞭解牌照持有人的角色。投訴組亦會在適當的情況下，提供即時建議，協助調解輕微的爭議。監管局在網頁載有投訴表格及另印備投訴處理小冊子，以協助投訴人更準確地提出投訴，並且更瞭解投訴處理程序。

The enforcement of the provisions of the Estate Agents Ordinance and its subsidiary legislation is mainly carried out by the Enforcement and Complaints Sections.

The Enforcement Section monitors the practice of licensees by paying visits to places of estate agency business including first sales sites and conducting compliance checks. During inspection, breaches of the provisions of the Estate Agents Ordinance and its subsidiary legislation may be uncovered following which appropriate actions will be taken to rectify the breaches. The Complaints Section safeguards the compliance of the Estate Agents Ordinance and its subsidiary legislation through handling complaints against licensees suspected of malpractice and misconduct.

Both Sections, apart from handling reported cases of non-compliance and complaints of malpractice and misconduct against licensees, also handle enquiries from the public and the trade. In particular, the Complaints Section manned a duty room where enquirers might meet the duty officer in person or by phone through the telephone hotline enquiry service. Through such interactive services, enquirers are given the opportunity to express their views and understand the role of licensees better. Where appropriate, instant advice will be given to the enquirers so that minor disputes can be resolved amicably. To assist complainants in lodging their complaints more precisely and to enable them to understand the complaint handling procedure better, a standard complaint form has been uploaded in the EAA website and a pamphlet on complaint handling has been prepared.

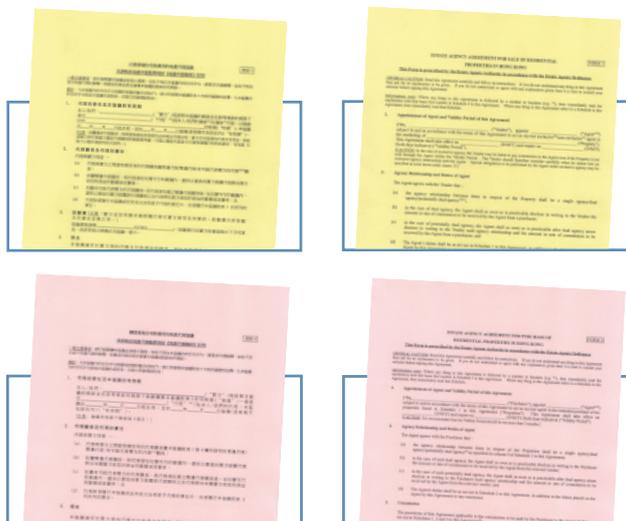


處分類別

個案一經證實成立，涉案的持牌人，須就個案的嚴重程度，接受不同類別的處分。對於某些成立但性質較輕微的個案，以及某些不成立個案，持牌人會接獲指導函件，勉以正確操守及執業指引。嚴重個案則會被轉介至紀律委員會審議。若個案成立，紀律委員會會向有關代理實施紀律制裁。紀律制裁包括警告、訓誡、譴責、在牌照上附加條件、罰款、暫時吊銷牌照及撤銷牌照。涉及刑事罪行的案件，會轉交至警務處或廉政公署等執法機構，作進一步處理。

Actions Taken

The action taken following the conclusion of a substantiated complaint or case of non-compliance would depend on the seriousness of the breach. For minor substantiated cases as well as certain unsubstantiated cases, letters of advice on good conduct and practice would be issued to the licensees concerned. Serious cases would be referred to the Disciplinary Committee which might exercise disciplinary powers over the licensees concerned if the case was found substantiated. Such powers include issuing a warning, reprimand or admonishment, imposition of a fine, or the revocation or suspension of the licence, or the attachment of conditions thereto. Cases involving criminal acts would be referred to the appropriate law enforcement agencies such as the Police and the Independent Commission Against Corruption for further action.



2003/04 統計數字 Statistics for the Year 2003/04

**查詢****Enquiries**

由投訴組處理	Handled by Complaints Section	3,841
由執行組處理	Handled by Enforcement Section	4,967

執行組**Enforcement Section**

涉嫌違規個案	Cases of non-compliance	535
違規個案涉及指稱	Reported allegations	841

巡查中發現的違規個案**Non-compliance Cases Discovered during Inspection**

違規個案涉及指稱項目	Reported Allegations	
違反地產代理條例	Breach of the Estate Agents Ordinance	236
違反執業規例	Breach of the Practice Regulation	314
違反發牌規例	Breach of the Licensing Regulation	266
其他	Others	25

投訴組**Complaints Section**

投訴個案	Cases of complaint	505
投訴個案涉及指稱	Reported allegations	772

投訴**Complaints**

投訴個案涉及指稱項目	Reported Allegations	
操守及執業手法	Conduct and practice	442
違反條例及其附例	Breach of the Estate Agents Ordinance and its subsidiary legislation	175
服務質素	Standard of service	12
專業水平	Professional competence	11
其他	Others	132

處理個案進度

合共處理1,820宗個案 (包括上年度未完成的 544 宗個案)。處理進度如下：

Progress

A total of 1,820 cases were handled during the year under review, including 544 cases carried over from the previous year, as follows :

已完成個案	Cases completed	1,281
仍在調查中 (其中 21 宗個案交紀律委員會審核)	Investigation in progress (21 cases pending decision of Disciplinary Committee)	496
法庭在排期審理	Pending court decision	21
由其他機構處理 (警務處、廉政公署、個人資料私隱專員公署)	Pending investigation by other bodies (Police, Independent Commission Against Corruption, Office of the Privacy Commissioner for Personal Data)	22

成立個案

在 1,281 宗已完成的個案中，有 122 宗其後獲調解，或投訴人撤回投訴。另外 87 宗因資料不足而終止調查。經調查後證實指稱成立的有 566 宗；不成立的有 506 宗。

Substantiated Cases

Among the 1,281 cases completed during the reported period, 122 cases were subsequently mediated or withdrawn. 87 cases were curtailed because of insufficient information to pursue. 566 cases were found to be substantiated. 506 cases were found to be unsubstantiated.

處分類別

撤銷牌照	Revocation of licence	13
暫時吊銷牌照	Suspension of licence	15
牌照附加條件	Attachment of conditions to licence	161
罰款 *	Fine*	8
已交其他機構處理 (警務處、廉政公署)	Referred to other bodies (Police, Independent Commission Against Corruption)	13
譴責	Reprimand	4
警告函	Letter of warning	103
指導函	Letter of advice	769

* 罰款交付政府庫房

* Fines collected is accredited to the Treasury of the HKSAR