

條例執行及投訴處理

ENFORCEMENT AND COMPLAINT HANDLING



《地產代理條例》及其附屬法例主要是由監管局的執行組及投訴組共同執行。

執行組經常派員到各地產代理店舖及一手樓盤進行巡查工作，監察持牌人的日常執業情況，若發現持牌人違反《地產代理條例》及其附屬法例，便會採取適當行動予以糾正。投訴組負責調查有關持牌人違反法規及違反操守的投訴，鼓勵和確保持牌人遵守《地產代理條例》及其附屬法例。

除調查對持牌人的投訴個案外，兩組亦會處理市民及業界的查詢。投訴組會安排當值投訴主任，透過會面及熱線電話解答外界查詢。查詢人可通過這些服務表達意見及加深瞭解持牌人所擔當的角色。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。投訴人可利用監管局網頁的標準投訴表格提出投訴。另外，市民也可參考監管局出版的《投訴處理》小冊子。

紀律制裁

對於性質較輕微的違規個案或一些不成立的個案，監管局會向持牌人作出指導，勉以正確操守及執業指引。而嚴重個案則會轉介紀律委員會審議。若證實投訴成立，紀律委員會會向有關持牌人實施紀律制裁，包括訓誡、譴責、罰款、暫時吊銷牌照或撤銷牌照或於牌照上附加條件。而涉及刑事罪行的案件，監管局將轉交至警務處或廉政公署等執法機構處理。

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

The Enforcement Section monitors the practice of licensees by conducting compliance checks at places of estate agency business and first sale sites. Appropriate actions will be taken against licensees found to have been in breach of the Estate Agents Ordinance and its subsidiary legislation. The Complaints Section investigates complaints against licensees' alleged breaches of the law or misconduct to promote and ensure full compliance with the Ordinance and its subsidiary legislation.

In addition to investigation of complaints against licensees, the two sections concerned also handle daily enquiries from the public and the trade. In particular, the Complaints Section arrange for duty officers to meet enquirers in person or answer enquiries through the hotline network. Through such interactive services, enquirers are given the opportunity to express their views and understand the role and responsibilities of licensees. Where suitable, timely advice will be given to the enquirers with a view to resolving minor disputes amicably. Complainants may lodge their complaints by using a standard complaint form found in the EAA website. A pamphlet on EAA's complaint handling process is also available to the public.

Disciplinary Sanctions Imposed

For minor breaches or unsubstantiated cases, letters of advice on good conduct and practice would be issued to remind licensees concerned. Allegations of serious breaches would be referred to the Disciplinary Committee, which, if proven, would entail imposition of a series of disciplinary sanctions on the offending licensees, including the issuance of reprimands or admonishment, payment of fines, revocation or suspension of licences, or attachment of conditions to licences. Any case involving potential criminal element would be referred to the appropriate law enforcement agencies such as the Police and the Independent Commission Against Corruption for further action.

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2004/05 年統計數字 Statistics for the Year 2004/05

查詢	Enquiries	
由投訴組處理	Handled by Complaints Section	3,694
由執行組處理	Handled by Enforcement Section	6,440
總數	Total	10,134

執行組	Enforcement Section	
涉嫌違規個案	Cases of non-compliance	560
違規個案涉及指稱	Reported allegations	804

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	285
違反常規規例	Breach of the Practice Regulation	201
違反發牌規例	Breach of the Licensing Regulation	183
其他	Others	135
總數	Total	804

投訴組	Complaints Section	
投訴個案	Cases of complaint	606
破產個案	Bankruptcy cases	99
投訴個案涉及指稱 (不包括破產個案在內)	Reported allegations (excluding bankruptcy)	940

投訴	Complaints	
投訴個案涉及指稱項目	Reported Allegations	
違反條例及其附例 (不包括破產個案在內)	Breach of Estate Agents Ordinance and its subsidiary legislation (excluding bankruptcy)	250
操守及執業手法	Conduct and practice	604
服務質素	Standard of service	12
專業水平	Professional competence	9
其他	Others	65
總數 (不包括破產個案在內)	Total (excluding bankruptcy)	940

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處理個案進度

兩組合共處理 1,805 宗個案 (包括上年度未完成的 540 宗個案)。處理進度如下：

已完成個案 (包括 115 宗破產個案)	Cases completed (including 115 bankruptcy cases)	997
仍在調查中 (其中 65 宗個案交紀律委員會審核) (包括 170 宗破產個案)	Investigation in progress (65 cases pending decision of Disciplinary Committee) (including 170 bankruptcy cases)	768
法庭在排期審理	Pending court decision	17
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)	23

Progress

A total of 1,805 cases were handled during the year under review, including 540 cases carried over from the previous year as follows:

成立個案

在 997 宗已完成的個案中，有 163 宗其後獲調解，或投訴人撤回投訴。另外 97 宗因資料不足而終止調查。經調查後證實指稱成立的有 349 宗；不成立的有 388 宗。

Substantiated Cases

Among the 997 cases completed during the reported period, 163 cases were subsequently mediated or withdrawn. 97 cases were curtailed because of insufficient information to pursue. 349 cases were found to be substantiated. 388 cases were found to be unsubstantiated.

處分類別

撤銷牌照	Revocation of licence	1
暫時吊銷牌照	Suspension of licence	15
牌照附加條件	Attachment of conditions to licence	88
罰款*	Fine*	20
已交其他機構處理 (警務處、廉政公署)	Referred to other bodies (Police, Independent Commission Against Corruption)	17
譴責	Reprimand	6
警告函	Letter of warning	12
指導函	Letter of advice	765

* 罰款交付政府庫房

*Fines collected is accredited to the Treasury of the HKSAR