

1

# 主席報告

REPORT OF THE CHAIRMAN



“周年紀念是慶祝和反思的時刻。  
*Anniversaries are a time for celebration  
and reflection.*”

主席 Steven POON Kwok-lim  
潘國濂 Chairman



周年紀念是慶祝和反思的時刻。2007年，香港社會在慶祝回歸十年的同時，亦作出回顧。

2007年也是地產代理監管局（監管局）十周歲的日子。規管制度已實施了十年，地產代理業的規管已上軌道；在監管局與業界的共同努力下，地產代理行業的水平已大大提高。然而，我們不能就此自滿，隨著地產代理行業的不斷衍變，監管局在第二個十年也面對著新挑戰。

過去十年，地產代理業出現結構性變化。1997年以前，很多物業交易是由較小型的地產代理公司和個別從業員促成。今天，大部分交易都集中在少許大型地產代理公司，而這些大型地產代理公司又有許多分店。因應這個衍變，監管局投放相當精力關注地產代理公司對從業員的有效管理。這是一個顯著的變化：監管局成立初期，主要處理個別從業員的違規事件；但近年來的個案較為複雜，經常涉及公司有效管理的問題。處理這些較複雜的個案，監管局須在個別從業員以外的地方搜集證據。

為有效處理這些複雜的個案，監管局決定運用《地產代理條例》第28條賦予的權力。根據第28條，監管局或其調查員如有合理理由相信有從業員涉嫌違反《地產代理條例》，可以要求從業員或任何持有與調查有關資料的人士，向監管局調查員交出該等文件，並提供協助。任何人士倘若沒有按照調查員的要求交出有關文件，而又未曾提供合理解釋，即屬刑事罪行。

Anniversaries are a time for celebration and reflection. As the Hong Kong Special Administrative Region celebrates its 10th anniversary, Hong Kong people have a great deal to reflect upon in the year 2007.

The year 2007 also marks the 10th anniversary of Estate Agents Authority (EAA). I am pleased to be able to say that since the commencement of the regulatory regime a decade ago, the standard of the estate agency practice has substantially improved, owing to the hard work of both the trade and EAA. This is, however, no time for complacency. Many challenges lie ahead and, as we approach our second decade, we need to forge forward with new initiatives to further enhance our industry.

The past 10 years have seen a structural change in the estate agency trade. Prior to 1997, a sizeable amount of sales were handled by small estate agency companies or individual practitioners. Today, a majority of transactions are handled by a few large companies, each with many branches. EAA's regulatory effort has, therefore, been repositioned to pay considerable attention to estate agency companies' management. This represents a significant evolution. In recent years, there are an increasing number of cases of substantial complexity, involving management and effective control issues. These cases have obliged us to collect evidence from sources apart from individual practitioners.

To effectively deal with these complex cases, the EAA Board has decided to exercise powers granted to it under section 28 of the Estate Agents Ordinance (EAO). Section 28 enables EAA or its investigators, in cases where it is suspected an estate agency practitioner may have breached the EAO, to require the practitioner, or any person who has any documents containing information relevant to the investigation, to produce those documents and to assist in the investigation. Anyone who fails, without reasonable excuse, to comply with the investigators' request for the provision of documents and assistance commits an offence.

監管局成立了「第28條調查委員會」，以確立一套妥善的機制，行使《地產代理條例》第28條所賦予的權力。現時，委員會由監管局副主席廖譚婉瓊女士擔任主席，成員包括余若薇議員和蔡克剛先生。委員會負責委任調查員、審議調查員所提交的報告，並把適合的個案轉交紀律委員會以進行紀律研訊。

監管局亦加強了紀律委員會的組織，推行新措施，令紀律委員會能更有效地運作。監管局委任了一批經驗豐富的新成員加入紀律委員會，以應付日益繁重的紀律研訊工作。紀律研訊的次數由去年度的92次，增至本年度共172次。

儘管近年監管局增加了在行業培訓和提高從業員質素方面的努力，但是前線執法仍然是監管局工作中最重要的環節，這些工作是通過日常巡查和投訴調查來執行。本年度，監管局共處理1,458宗投訴及破產個案，並進行1,154次巡查，百分之六十四的巡查與一手物業銷售有關，其餘的巡查對象為地產代理商舖；與一手樓盤有關的規管工作現在已佔有可觀的比重。

監管局非常關注地產代理在一手物業銷售時的執業手法和秩序，並就此發出了執業通告，列明地產代理在處理一手住宅物業時該遵守的指引。執業通告內容涵蓋價目表、訂金處理、廣告授權、廣告準確性、現場管理等。我們相信，這些指引可以幫助維持市場秩序及提高透明度，加強保障消費者和市民大眾。

然而，銷售一手物業有關的事宜畢竟相當複雜，涉及發展商、消費者及地產代理。要解決一手物業銷售有關的問題，提供既公平透明，又方便營商的銷售環境，需要政府、發展商和有關規管機構的通力合作。儘管監管局努力不懈地去改善一手物業銷售的情況，但單憑監管局一己之力，並不足以解決這些問題。

A Section 28 Investigation Committee, currently chaired by EAA Vice-Chairman Mrs Amy Liu, with the Honourable Audrey Eu and Mr Herbert Tsoi as members, was set up to establish an effective mechanism to exercise the powers provided under section 28 of the EAO. The committee is responsible for appointing investigators, considering reports submitted by investigators and, where appropriate, referring cases to the Disciplinary Committee for inquiry hearings.

The Disciplinary Committee has also been strengthened and new arrangements have been put in place to enhance its operational efficiency. An additional number of suitable individuals renowned for their ability and experience were appointed to the Disciplinary Committee in order to deal with the heavy workload of inquiry hearing. The number of inquiry hearings increased to 172 in the year under review, from 92 in the previous year.

Despite increasing activities in education and trade quality promotion, frontline enforcement remained to be EAA's most important role in discharging the responsibilities put to it in the EAO. During the year under review, EAA handled 1,458 complaint and bankruptcy cases. It conducted 1,154 compliance inspections, of which about 64% were carried out at first-sale sites, the remaining at estate agency shops – first-sale properties now draw a substantial amount of EAA's regulatory energy.

Indeed, EAA paid close attention to the practice and conduct of estate agents at first sales. Practice circulars were issued, setting out guidelines that estate agency practitioners should follow when dealing with first-sale residential properties. These practice guidelines ranged from the handling of price lists and deposits, accuracy of advertisements, and publication of sales information, to management of practitioners at the sites. We are confident that the guidelines will help to maintain order at sales sites and to increase transparency of market practices, thus enhancing protection to consumers and the community at large.

Issues relating to first-sale properties are complex, involving developers, consumers, as well as estate agents. Resolution of these issues to provide an environment which is fair and transparent, yet lively and business-friendly, requires the concerted effort of the Government, the developers, the agency trade and the relevant regulatory bodies. However diligent it works, EAA alone will not solve these issues.

監管局在2005年5月推出自願參與的「持續專業進修計劃」，以提高地產代理從業員的水平，幫助從業員掌握最新的專業知識。計劃自推出以來反應良好，從業員也逐漸熟習計劃的內容和目的。本年度從業員參加持續專業進修計劃活動達27,856人次，比去年增加接近一倍。本年度共舉行超過500項持續專業進修計劃活動，其中逾四成是免費或受資助的；業界主動舉辦進修活動，更顯出大家對計劃的愈加支持。

持續專業進修計劃已經得到業界的認同，我們認為現在是推出更多新措施的好時候，以提升從業員的專業水平。我們將為從業員提供培訓津貼，讓他們可以參加專上院校舉辦的指定培訓課程。同時，監管局將舉辦有系統、有組織的培訓課程，以提高從業員的執業知識和對規管制度的認知，課程包括為初入行人士和分行經理而設的密集式培訓班。

過去兩年，監管局已加強了地產代理資格考試和營業員資格考試的要求，以確保具有合適質素的人士才能加入地產代理行業。另一方面，監管局將鼓勵更多合適的人才加入地產代理行業。2008年起，營業員資格考試的次數由每年四次增至每年六次，營業員考試的費用會亦會減低兩成，方便有志之士加入地產代理行業。

我在此感謝香港的廣大市民十年來對監管局的支持，並感謝地產代理從業員和商會在過去十年與監管局緊密合作，為提升行業水平而努力。監管局的員工盡忠職守，把監管局建立成為一個專業、能幹、負責任的監管機構，我在此對他們特別嘉許。

主席  
潘國濂

EAA launched the Continuing Professional Development (CPD) Scheme on a voluntary basis in May 2005 to enhance the competence of estate agency practitioners and to keep their professional knowledge up-to-date. We are delighted to see that the scheme has been well received and that the trade has gradually adapted to the training regime. The number of enrolments was 27,856, almost double that of the previous year. There were over 500 CPD activities held over the course of the year, over 40 per cent of which were free of charge or heavily subsidised. We are pleased to see that there has been an upward trend in participation and that the trade has shown an increasing support for the scheme by actively organising CPD activities themselves.

With the success of the CPD Scheme so far, we now consider it a good time to embark on certain new initiatives that will give practitioners further opportunities to strengthen their professional development. Training subsidies will be given to individual practitioners to enable them to attend designated training courses organised by tertiary institutes. Structured training courses will soon be provided by EAA, with the aim of enhancing regulatory knowledge and technical expertise as well as encouraging commitment to attain high industry standards. Modules will include intensive training programmes for fresh entrants as well as branch managers.

Over the past two years, examination standards have been raised for both the Estate Agents Qualifying Examination and the Salespersons Qualifying Examination. The objective is to ensure that only people with quality suitable for estate agency work would be accepted to the industry. Starting from 2008, the frequency of the Salespersons Qualifying Examination will be increased from four to six times a year, and its examination fee will be lowered by 20 per cent, thus making it more convenient and affordable for good calibre people to enter the trade.

In closing, I would like to thank the Hong Kong community for supporting EAA over the past decade. I would also like to thank estate agency practitioners and trade associations for working closely with us in the last ten years in promoting the standard of the industry. Special thanks must also go to EAA's team of dedicated staff who built EAA into a professional, capable and responsible regulatory body.

Steven POON Kwok-lim  
Chairman