



潘國濂 主席
Steven POON Kwok-lim *Chairman*

“香港已經建立了完備的地產代理規管制度，並且成為了國家及世界上一些城市的參考對象。

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若果說平衡是一種藝術，那麼監管局十年來的工作就是要將這種藝術得宜地發揮。監管局致力保障市民物業買賣的權益，但也要確保地產代理業的有效率運作；監管局要嚴厲打擊地產代理違規行為，但也不忘通過教育宣傳鼓勵地產代理依法執業；監管局堅定不移推行對地產代理的規管和培訓，但亦誠懇務實地向業界解釋措施背後的精神和聆聽業界的意見。

我在監管局成立時已參與其工作，見證了監管局由零開始，逐步將地產代理監管制度建立起來。時至今日，香港已經建立了完備的地產代理規管制度，並且成為了國家及世界上一些城市的參考對象；地產代理的執業水平亦大為提升。為此，我感到既欣慰又自豪。今年，監管局一如既往貫徹這些監管精神，面對不斷改變的市場環境及社會訴求，採取合宜的措施。

地產代理推銷一手樓盤的手法仍然是監管局關注的焦點。現時，代理成為一手樓買賣的主要中介人，對於這個市場的健康發展十分重要；因此，監管局不時提醒地產代理從業員，要竭力維護一手物業準買家的利益，既要向他們提供準確無誤的資料，也不可以未經發展商授權便代發展商收取訂金或任何名目的費用。監管局又關注部分代理推銷一手樓盤時，不守秩序，滋擾途人，破壞地產代理的形象。因此監管局推出一連串措施，包

If balancing is an art, the EAA has been performing this art in the past decade. Whilst the EAA is committed to protecting consumer rights in the sale and purchase of property, it is equally committed to ensuring the efficient operation of the estate agency trade. Whilst the EAA is relentless in its fight against malpractice by estate agency practitioners, it also puts a great deal of effort into education and encouraging them to abide by the law. Whilst the EAA rigorously implements the regulatory regime, it also listens closely to the trade and explains to the trade the rationale behind its regulatory measures.

I have been a Member of the EAA since its inception, and have thus witnessed the establishment of its regulatory system from ground zero. Hong Kong's regulatory system for estate agents is now well established and has become a reference for some cities in China and in other parts of the world. The professional standard of practitioners has improved substantially. I am pleased with and proud of such accomplishments. This year, the EAA, in the same regulatory spirit, continued to take appropriate measures to adapt constructively to ever-changing market conditions and public expectations.

The way estate agency practitioners promote the sales of first-hand properties remains an area of concern for the EAA. As practitioners are the major intermediaries in the sale and purchase of first-hand residential properties, they are an integral part of the first-hand property market. The EAA constantly reminds practitioners to safeguard the interests of prospective buyers of first-sale properties by providing accurate information and refraining from collecting deposits or any types of fees without prior authorisation from the property developer. The EAA is also concerned about practitioners' not keeping order at first-sale

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括將巡查範圍擴闊；與港鐵公司建立機制防止地產代理在鐵路範圍內或車站附近滋擾乘客和途人；要求代理管理層確保前線地產代理在推銷樓盤時保持良好的秩序；並發出相關的執業通告，詳述代理有可能違反不同法例的情況。通過這些措施，代理在推銷一手樓盤時的秩序已有所改善。

監管局明白要令一手樓市場運作更暢順，更具透明度，必須要由政府、發展商、消費者及地產代理各方面共同努力。因此，監管局盡力與各方面保持緊密的聯繫，更主動與發展商洽商，確保他們清楚監管局對地產代理的要求。經各界一致努力，大家對統一「實用面積」的定義達成了共識；而監管局方面將會作出配合，確保代理遵守有關規定，提高市場資訊透明度。

監管局十分重視地產代理從業員的操守，對於代理任何違規行為，必定會依例嚴格查處，不會姑息。較早時候，有地產代理公司高層，因為提供非法回佣而被判處監禁，雖然只屬個別事件，但也提醒監管局要緊守崗位，慎防此類違規個案演變為行業普遍陋習。

sites, disturbing passers-by to the detriment of the image of the trade. To address these issues, the EAA has undertaken a series of measures, including extending the scope of its compliance inspections and working closely with the MTR Corporation to prevent practitioners from causing a nuisance to passengers and passers-by on railway premises and their vicinity. The EAA also requires the management of agencies to ensure frontline practitioners maintain good order at first-sale sites and issued a practice circular detailing potential breaches of the law. These combined measures have contributed to better order at first-sale sites.

The EAA is well aware that for the first-sale market to run smoothly with a higher degree of transparency, the government, property developers, consumers and estate agency practitioners must work together. The EAA hence makes every effort to maintain close liaison with the various stakeholders, in particular, taking the initiative to establish a dialogue with developers to ensure that they are fully aware of the requirements of estate agents. As the different sectors of the community have now reached a consensus on the definition of "saleable area", the EAA is taking steps to ensure practitioners comply with the relevant rules to make the market more transparent.

The EAA attaches great importance to the conduct of practitioners, and it tolerates no malpractice. Earlier on, a few senior executives of an estate agency were convicted of providing kickbacks. While this was an isolated incident, the EAA remains vigilant as to the possibility of such improper acts being not infrequently practised in the trade.

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監管局自2007年開始，加強了調查執法能力，除行使《地產代理條例》第28條賦予的調查權力外，聘請了前警方及廉政公署高級執法人員，並與其他執法部門保持緊密聯繫，務求對不法不當的行為，例如失實陳述、非法回佣、「食價」、「偷盤」、「射單」等，深入偵查及予以懲處。我們深信，嚴謹執法在競爭激烈的環境中尤為重要，因為這樣才能保障消費者的權益，和促使從業員知所警惕，絕不能以「競爭」、「陋習」等做藉口罔顧法紀。

由於是次因非法回佣而被判處監禁的涉案者為地產代理管理人員，更令監管局反思：要杜絕代理不法行為，必須要由管理層做起，以完善業內的管理制度和建立廉潔自重的企業文化。

監管局早已察覺到地產代理公司管理層有效管治日益重要。由於目前大型和中型地產代理公司的市場佔有率甚高，因此公司管理層的管理質素會直接影響個別從業員的表現。監管局要求地產代理公司管理人員必須設立妥善的制度和程序，以監督和管理其地產代理業務，並要確保其僱員守法循規；否則，管理層可能會違反《地產代理常規（一般責任及香港住宅物業）規例》第15條而被追究。今後，監管局將繼續投放更多資源，要求地產代理公司在妥善的管治下經營。

Since 2007, the EAA has strengthened its investigation and law enforcement capability. In addition to exercising its investigative powers under section 28 of the EAO, the EAA has hired former senior law enforcement officers from the police and the Independent Commission Against Corruption (ICAC). It has kept in close liaison with other law enforcement bodies, so that thorough investigations can be conducted and appropriate sanctions meted out to those who have engaged in unlawful activities, such as misrepresentation, kickbacks, "obtaining profits in transactions by dishonestly reporting offers to clients", and "unlawful transfer of clientele". We firmly believe that rigorous enforcement of the law is particularly important in a market with keen competition. This is the only way to protect the rights of consumers and keep practitioners on the alert. In no circumstances should practitioners breach the law or commit illegal activities under the pretext of strong competition or their being "common bad practices in the trade".

As the kickbacks case mentioned above involved a number of management staff of an estate agency, the EAA realises that the elimination of malpractice must begin at the top, and that the management must put in place a proper management system and nurture a corporate culture that places great importance on honesty and integrity.

The EAA has long been aware of the importance of agency management's exercising effective control over their business. As large- and medium-sized companies now have a high market share, the management quality of these agencies has a direct bearing on the performance of individual practitioners. The EAA requires the management of agencies to establish proper procedures and systems to supervise and manage their estate agency business and to ensure their employees comply with the law. Failure to do so may constitute a breach of section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, and may lead to disciplinary sanctions on the management. Looking forward, the EAA will devote additional resources to ensuring estate agencies are operating with proper governance.

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長遠而言，監管局認為必須要提升地產代理的專業誠信。監管局將於年底，為分行經理或其他負責管理地產代理業務的從業員推出「地產代理業務管理課程」，協助地產代理管理層實施良好管治。為此，監管局與廉政公署合作舉辦防貪講座，又出版《成交與誠信》，闡釋《防止賄賂條例》與地產代理操守之間的關係。此外，監管局亦發出執業通告，要求地產代理採取措施提防有客戶洗黑錢，舉報懷疑洗黑錢的個案；監管局並通過實地巡查監察實施情況，鼓勵從業員共同維持香港社會的廉政風氣。

一如以往，監管局通過考試制度及教育培訓，致力提升地產代理的專業水平。監管局為吸引更多有志之士加入地產代理行業，降低了營業員資格考試費，並將該考試的次數由每年四次增加至六次。

過去三年，監管局推出的持續專業進修計劃廣獲業界支持；今年更進一步，為新入職的從業員推出四天有系統和密集式的課程，旨在提高地產代理的執業、法律及管理知識。為了鼓勵地產代理公司積極參與持續專業進修計劃，監管局更推出「地產代理商舖專業進修嘉許獎章」計劃，表揚有過半數僱員（包括商舖經理）獲頒持續專業進修計劃嘉許證書的商舖。

In the long run, the EAA considers it vital to raise the professional integrity of estate agents. At the end of this year, the EAA will launch the “Estate Agency Management Course” for the trade’s branch managers and practitioners with management responsibilities. The course seeks to assist them to exercise better governance of their companies. The EAA and the ICAC have jointly organised corruption prevention seminars and published a booklet entitled *Integrity in Estate Agency Transactions* to explain the relationship between the Prevention of Bribery Ordinance and estate agency work. On top of these, the EAA has issued practice circulars advising practitioners to implement measures to prevent money laundering, and to report suspicious cases. During onsite compliance inspections, the EAA urges the trade to work together to maintain Hong Kong’s clean culture in the estate agency community.

As always, the EAA is committed to enhancing the professional standards of practitioners through training and examinations. To encourage more people to join the estate agency trade, the EAA has lowered the fee of the Salespersons Qualifying Examination and increased its frequency from four to six times a year.

Over the past three years, the Continuing Professional Development (CPD) Scheme has gained considerable support from the trade. This year, the EAA took another step and launched a four-day intensive, structured course for fresh entrants, with the aim of enhancing practitioners’ knowledge of estate agency practice, including legal and management issues. To encourage greater participation in the CPD Scheme by estate agency shops, the EAA launched the CPD Mark for Estate Agencies Award Scheme, which gives recognition to shops that have 50% or more of their employees (including the branch manager) awarded the CPD Attainment Certificate.

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監管局鼓勵地產代理加深對國家的了解，並探討在內地發展的機會。2008年3月，我率領監管局成員及業界領袖訪問北京，與中央政府的住房和城鄉建設部、商務部、統戰部、國務院港澳辦公室官員會面，了解國情；同時，訪問團與北京市政府房地產業人士會面，增加專業交流。

目前地產代理的規管已見一定成效。這些成就除了因為監管局自身的努力外，還有賴地產代理業界的鼎力支持。過去一年來，監管局得到業界商會的通力合作，新措施推行得很順利，業內的最新狀況亦能及時掌握，我謹此向各業界商會致謝。我亦在此多謝監管局董事局成員和監管局轄下委員會的委任成員多年來不計較付出，推動監管局不斷進步。監管局員工盡忠職守，提供優質服務，我在此對他們予以嘉許。

本年度，持牌地產代理人數和商舖數目都創歷史新高，反映出監管局的工作日益重要，挑戰將會更多。我深信地產代理業界和社會各界人士，繼續支持監管局的工作，而地產代理這個對香港社會和經濟十分重要的行業，會繼續興旺發展。

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潘國濂

The EAA encourages practitioners to deepen their understanding of our country and to explore opportunities in the mainland. In March 2008, I led a delegation of EAA Members and trade leaders to Beijing, where we visited officials from the Ministry of Housing and Urban-Rural Development, the Ministry of Commerce, the United Front Work Department and the Hong Kong and Macao Affairs Office of the State Council. The delegation also exchanged views with real estate officials of the Beijing Municipal Government.

The regulatory work of the EAA has resulted in significant achievements. Such could not have been attained without the support of the trade itself. I would like to express my gratitude to the trade associations whose cooperation over the year has facilitated the smooth implementation of the EAA's initiatives and enabled the EAA to keep abreast of developments in the trade. I am thankful to our EAA Members and to the appointed members of various EAA committees for their unreserved dedication over the years. I would also like to take this opportunity to commend the EAA staff for their excellent service.

In the year, the number of licensees and estate agency shops reached new heights, indicating both the growing significance of the EAA's role and the considerable challenges ahead. I have no doubt that the estate agency trade and the community at large will continue their support for the EAA and that the estate agency sector, which is vital to Hong Kong and its economy, will thrive and prosper.

Steven Poon Kwok-lim
Chairman