

主席報告 Chairman's message



陳韻雲，BBS，JP 主席
Vivien CHAN, BBS, JP *Chairman*

我懷著熱切的心加入監管局，並為此引以自豪。謹藉此機會，感謝監管局成員以及委員會委任成員無私地付出時間和資源，也感謝地產代理業界支持監管局的使命。我對於監管局行政部門同事們克盡己職，心存感激，沒有他們的努力，監管局的工作願景和計劃就不可能付諸實踐。

我於2008年底出任監管局主席時，適值香港樓市急劇向下調整。為了向業界表達一份關懷，監管局董事局通過一次過寬免六個月牌費的計劃。雖然寬免計劃意味著監管局的儲備會減少，但我們的財政仍然穩健。董事局經過深思熟慮才作出這個決定，明白是項措施只代表一份心意，而不可立下減牌費的先例；畢竟牌費是監管局的主要收入來源，監管局不會草率作出寬減牌費的決定。我們採取的任何措施，無論對於履行現有的規管職能和倡議者的角色，甚或將來有需要時擴闊其職能或角色，決不會有影響。

在業界經營困難時期，寬免六個月牌費的計劃最多只能被視為對業界的一份支持。無論市況好壞，持牌人的生計，取決於活躍的市場，而業界亦須尋找新的商機。為此，監管局為持牌人爭取其專業資格在內地獲得認可。我於今年一月率領業界到北京，並代表監管局與中國房地產估價師與房地產經紀人學會簽署備忘錄，為本地持牌人獲取全國性的執業資格開啟一道大門，比較監管局之前與廣州市房地產中介服務管理所簽署的協議之下的「廣州計劃」的範圍，大大擴展。「廣州計劃」的課程與考試已經舉辦，在138名參加者當中，124名考取有關資格，令人欣慰。我們期望《地產代理（發牌）規例》的相關修訂於本年底通過，而內地與香港地產代理的執業資格互認將會隨之而生效。監管局已經成立工作小組，就本港地產代理參加資格互認計劃，制訂公平和具透明度的甄選條件。

It is with much pride and enthusiasm I have come to be a part of the EAA. I would like to thank my fellow Board members and the appointed members of the EAA committees for their selfless devotion of their time and resource. I am grateful for the support of the trade for the EAA's mission. Last but not the least, for the dedication of the entire staff of the EAA, without whom, all that is wished, said, and written, could not be executed and realised.

When I took up the chairmanship in late 2008, the Hong Kong property market witnessed a significant turn for the worse. As a token of our concern for the trade, the EAA Board resolved to grant a one-off six-month license fee concession. Although the fee concession means a depletion of EAA's resources, we are committed the EAA should remain conservatively sound in its finances. The Board came to the decision mindful of the fact that any such fee concession represents a gesture and not a precedent. The EAA will not be callous in making concessions, as our fee is our major income source. We will not undermine our ability to fulfill or expand (if need be) our ability to perform our regulatory functions and advocacy mission.

The six months' fee concession can only at best be a goodwill gesture to the trade in difficult times. Irrespective of a "bull or bear" property market, our licensees' livelihood can only be assured by buoyant and sustained market conditions, and new market horizons. The EAA has enabled our licensees to secure recognition of their professional qualification in the Mainland. I led a delegation to Beijing in January of this year for the signing of a memorandum of understanding between the EAA and the China Institute of Real Estate Appraisers and Agents. This means eventual nationwide professional recognition for our licensees to conduct agency services; thereby considerably widening the ambit of an earlier agreement the EAA has with the Guangzhou Real Estate Agent Service Administration Centre. The course and examinations for the Guangzhou Scheme have been successfully held. We are delighted out of 138 participants, 124 of them successfully qualified under the scheme. As for the nationwide recognition, we look forward to its implementation upon due amendments to the Estate Agents (Licensing) Regulation, which we hope will be effective by the end of this year. The EAA has also established a Working Group to set out fair and transparent selection criteria for nomination of candidates under the nationwide scheme.

作為監管機構，監管局一向非常重視維持一手樓盤銷售處的秩序和紀律。監管局將會認真地與發展商、警方和公共交通機構，以及地產代理公司的管理層保持緊密合作，確保一手樓的銷售能夠符合發展商和買家的長遠利益。監管局一直肩負使命，在新盤開售前與發展商聯繫，確保他們採取必須的措施，並且教育廣大市民作為消費者的權利和責任。至於那些滋擾途人和駕駛者的違規從業員，要改變他們的想法，也是監管局的另一大挑戰。在這方面，監管局著重提醒獲委任的地產代理公司管理層採用「導師培訓」的方法。管理層須要嚴謹監察前線從業員，有否實踐良好營銷手法，並且依循住宅物業實用面積的統一定義，從而避免從業員被消費者投訴失實陳述或行為失當。

儘管市場時有起伏，但若市場受到非必要且任意訂定的法規所制肘，這樣造成的影響會左右市場的實際運作。一直以來，香港地產市場甚少受到此類法規所制肘，獲得不少讚賞。香港物業的價錢也屬世界最高之列。雖然我們享受大體上不干預的政策所帶來的益處，但監管局仍然歡迎政府就住宅物業實用面積訂定統一的定義。監管局就此發出執業通告並與消費者委員會在倡議和宣傳工作上緊密合作。其實，我們應該早就為實用面積訂立一致的計算準則，這對於警覺性不高的普羅大眾來說，尤其重要。新措施有利於推動發展商訂立共同目標，推出優質和貨真價實的產品，而無須擔憂因此而失去競爭優勢，無法取得應得的償報。

監管局絕不容忍非法回佣和其他違規行為，因此自2007年起，已經引用《地產代理條例》第28條進行調查。另一方面，監管局在經過仔細考慮和審議後才會進行「放蛇行動」，同時會嚴格遵守內部指引。

As to the EAA's regulatory role, the maintenance of order and discipline at first sale sites has always been a major concern. The EAA will closely and conscientiously work with developers, the police, public transport providers and estate agency company management in ensuring first sales are effected in the longer-term interest of developers and homebuyers. Prior dialogue to ensure developers take the necessary measures, education of the general homebuyers at large as to their rights and obligations, are a continuing mandate for the EAA. There is the obvious challenge in resetting the mindsets of errant practitioners to harass pedestrians and drivers. A lot of this has to do with reminding the management of appointed estate agencies to adopt the "train the trainer" approach. The definition of "saleable area", good trade practice so as to avoid allegation of misrepresentation and other malpractices, must and should be subject to close monitoring by the respective estate agencies of their frontline practitioners at first sales sites.

The Hong Kong real estate market has always been admired for being relatively free from unnecessary arbitrary laws and regulations, which will otherwise cause market fluctuation unaligned with genuine market forces. Hong Kong has also often been labelled as one of the most expensive real estate in the world. Whilst we enjoy a by and large non-intervention government policy of late, the EAA welcomes government's initiative to standardise the definition of "saleable area". We have issued new practice guidelines and have been working closely with the Consumer Council in advocacy and publicity campaigns. A consistent benchmark for "saleable area" is much long overdue for the unwary homebuyer. It is instrumental in promoting a common objective for developers to strive for quality, without having to worry being shortchanged by competition in delivering an honest product.

Zero tolerance to kickbacks and other malpractices aside, the EAA has, since 2007, been exercising its investigative powers under section 28 of the Estate Agents Ordinance. "Covert operations" are initiated with due care aforethought and deliberation; in strict compliance with our internal guidelines.

地產代理公司能否實行良好管治，是地產代理行業能否健康發展的關鍵因素之一。監管局將會採用「導師培訓」的方法，繼續在這一方面投放資源，提供良好管治和培訓方面的指引，不論是電腦資料管理或者良好執業手法，都可能涵蓋在內。

隨著科技進步，商業運作模式在過去十年之間，也起了戲劇性的變化。地產代理業界使用網上廣告漸成趨勢，意味著監管局的規管工作也有了新的層面。為了監察該類網站的廣告準確性以及有否提供法例要求的資料，監管局已經進行網上巡查，此項工作將會持續下去。此外，監管局已舉行研討會，以期加強業界了解針對網上廣告或以至其他新形式的網上活動的規管法例，並決定將來續辦。

監管局即將會被納入申訴專員公署的職權範圍之內。由於監管局是為市民服務，因此我們樂意接納公署對我們的監察，並不視之為挑戰。董事局和監管局職員將會盡力履行職責。我們將會確保監管局行政部門會投放足夠的人力和資源來應付這個新問責渠道所帶來的工作。

監管局所負責的範疇越見增加，而且不斷演進，因此監管局有需要檢視其人力資源和行政架構。監管局近期委託顧問進行人力資源研究並撰寫報告，而報告將會交由董事局所成立的工作小組審視，並加以分析；如有需要，向董事局建議進行改革。董事局在推行有關建議之時，會致力維持和提升監管局員工的士氣，以及監管局整體的健康發展。

自從我出任監管局主席以來，我對於監管局與業界之間的健康交流和合作關係，深感欣喜。運輸及房屋局對於監管局的鼎力支持，足可作為表率，對此我也銘感於心。我將會致力維持這些良好的關係。

Proper governance of estate agencies is key to the well being of the industry. The EAA will adopt the "train the trainer" approach. We will continue to devote resources, e.g. by providing guidelines and pro-forma for good and proper management and training, be it in data software management or proper sales practices.

The way we conduct business has evolved dramatically in the past decade with the advance of technology. The advent of on-line advertising by practitioners means an additional dimension for the EAA's regulatory duties. The EAA has, and will be conducting "cyber patrols" to audit accuracy and substantiation of such websites. The EAA has and will be conducting forums for the trade on compliance issues for E-advertising and new forms of E-activities which may surface from time to time.

The EAA will shortly come within the Ombudsman's jurisdiction. As the EAA exists to serve the community at large, we perceive this not so much as a challenge, but as a rightful monitor of our work. The Board and our staff at the EAA are dedicated to do our best in the discharge of our respective roles. We will ensure the management of the EAA channels proper manpower and resources to address issues arising from this new venue of accountability.

With the evolving increased areas of responsibility, the EAA will need to review its human resources and its structure. The Board has established a Work Group to review a recent human resources consultancy study report. The work group will evaluate and recommend to the Board to adopt such reforms as may be necessary. The Board will be doing this in keeping with and promoting the morale and well being of all our EAA staff.

Since taking up the chairmanship, I have been impressed by the healthy exchanges and cooperation the EAA enjoys with the trade. I am also truly grateful for the exemplary support by the Transport and Housing Bureau. I am committed to ensuring these special relationships continue.

為了維持香港的國際金融中心地位，香港需要一個世界級的房地產市場，而這個市場的背後支柱，必須是一個強而有力且又能夠持續發展的地產代理行業監管機制。

經過十二年的持續發展，監管局已擁有適當的硬件，擔當監管者的角色，亦已經具備審批牌照、進行紀律研訊以及懲處違規行為的法定能力，我有幸在這時候擔任主席。我深信在社會大眾以及業界的堅實支持下，監管局將會繼續合宜和有效地運作。

監管局的規管硬件既已齊備，我們應該集中建立一種「誠信公平可創富」的文化。監管機構不能夠不斷增加懲處措施，監管機構需要做的是，建立一套公眾和業界認同和遵守的道德基準。由監管局推行的自願形式持續專業進修計劃，有力地說明「自我完善」如果獲得充分的認可，可以為公眾及業界帶來好處。去年，持續專業進修活動共舉辦495場，吸引了多達31,010人次參與。我們需要提醒自己，這項成就實在不可小覷，因為所有參與者都是自願付出時間和心力進修增值。眾所周知，地產代理工作乃服務性行業，而「時間」可能是從業員專業生涯裏最寶貴的資產。

那麼，我們該怎樣更進一步實踐使命？在鼓吹良好公民責任和良心消費的世界潮流中，我們要向前進可能比以前更容易。香港社會服務聯會向那些熱心公益，積極參與社會服務的企業頒發「商界展關懷」的標誌，而在英國成立的「公平貿易基金」，亦向消費產品頒發公平貿易證書。據悉，英國某暢銷而獲得認證的朱古力牌子，銷量攀升。在英國，獲得公平貿易證書的消費產品，2008年的總銷量比上年度上升43%。

To sustain our reputation as an international financial centre, Hong Kong needs a world-class real property sector. The backbone of this attribute is a vigorous and sustainable regulatory infrastructure for the estate agency trade.

I am blessed to come to this chairmanship at a time, when, after twelve years of continued development in its regulatory functions, the EAA is now well endowed with optimum hardware for its regulatory role. It is also statutorily equipped with its licensing, disciplinary and penal capabilities. I am sure the EAA will be, given the continued staunch support from the community at large, and indeed the trade, judiciously effective.

With our hardware squarely in place, we can focus on putting and instilling a culture of **"It pays to play fair and proper"**. There is a limit to how much more penal measures any regulator can impose, without at the same time building a moral benchmark to which members of the public and trade should come to expect and conform to. The EAA's existing voluntary Continuing Professional Development (CPD) regime is a shining example of how due recognition for "Being Good" can indeed work to the advantage of both the trade and public interest. Last year, 495 CPD courses were organised which attracted 31,010 enrolments. We must remind ourselves this is no mean feat, as these are all self-paying voluntary participants who are taking their own time to learn. "Time" is probably the most valued commodity in the licensees' professional life; as their livelihood is based on a service provider business model.

How then should we take this mission further? Given the global trend of encouraging good corporate citizenship and ethical consumption, it is probably made easier now than ever before. Our very own Hong Kong Council of Social Service bestows the "Caring Company" label to corporate donors to voluntary services. The United Kingdom established a Fair-trade Foundation, which gives Fair-trade certification to consumer products. One of Britain's best selling chocolate bars adopting the Fair-trade Mark has reportedly seen its sales soar. UK sales of Fair-trade products apparently rose by 43% year on year in 2008.

將朱古力銷售與地產代理促成物業買賣聯繫起來，似乎十分奇怪。然而，為了獲取公平貿易證書，這家朱古力公司需要改變某些營商手法。為了加強對於公平貿易的支持，一間全球數一數二的咖啡企業，保證將會在今年底或之前，在英國只會出售那些取得公平貿易證書的產品。企業良心的價值觀念，要得到業界和社會大眾的欣賞，實在需要決心和耐性。這大方向實在非常重要。本港地產代理業界渴望其專業地位備受認同，而事實上業界也理應獲得如此的地位。如果監管局在這方面擔當領導者的角色，只要付出時間，努力不懈，業界和社會在這個過程之中將會同樣獲益匪淺。當然，正如我在前文提及，香港這個國際金融中心，將會更展光芒。

主席

陳韻雲，BBS，JP

To correlate chocolate sales with an estate agent home sale is a curious anomaly. In order to obtain the Fair-trade Mark, the subject chocolate company had to change certain of its trade practices. To reinforce support for this trend, one leading global coffee house brand recently vouched they will only sell Fair-trade coffee in the UK by the end of the year. It will require both resolve and patience to realise the full appreciation of these values by the trade and the public at large. It is certainly a much-needed direction. The trade generally aspires to be recognised as a profession, which indeed, it should deservedly be so. Should the EAA take up the role of a collective leader in this respect, and given time and perseverance, both the trade and the community have much to gain from such a process. Of course, this goes to where I started off in this message; Hong Kong will shine brighter as a global finance centre.

Vivien Chan, BBS, JP

Chairman