

# 行政總裁匯報 REPORT OF THE CHIEF EXECUTIVE OFFICER



行政總裁  
余呂杏茜  
Rosanna Ure,  
Chief Executive Officer

## 引言

這是我作為地產代理監管局(「監管局」)行政總裁呈遞的第二份報告。於2010/11財政年度，香港樓市暢旺，成交總數創出新高，達160,049宗，較上一財政年度升4.19%，因而吸引了一批新人投身地產代理界。

## 社會經濟背景

2008年年底金融海嘯爆發後，樓市急轉直下，此後，交易數目穩定回升。2010/11年度，本地物業交易總值達7,214.3億港元。一方面，這有利於與房地產行業密切相關的專業人士，但另一方面，物業價格持續上升，令普羅大眾關注。而作為促成物業交易關鍵參與者，地產代理亦愈來愈受公眾密切注視。炙手可熱的一手樓市尤其備受矚目，一手樓盤銷售秩序及向顧客提供的資訊等問題都關乎公眾利益。樓價持續上升，不僅令房地產發展商受惠，亦為另一類從業員(即專門收購舊樓作重建用途的人士)帶來商機。

## 持牌人數目穩定增加

於本財政年度，個人持牌照數目由27,433人穩定增加17%至31,984人，而本財政年度內監管局所發的公司牌照及營業詳情說明書數目，亦相應地分別錄得25%及18%的增長。該等增長為監管局帶來不少壓力，因為一方面我們需要監管的持牌人數目與日俱增，另一方面持牌人之間的激烈競爭亦可能引發各種問題。

## 以積極主動的方法規管從業員

近年來，監管局已採用積極主動的方法規管持牌人，以便我們能夠及早處理各種新興問題，防止其日益惡化。

為確保獲監管局發牌的人士具備執業所需的專業水準以履行其職責，監管局持續監察我們舉辦的資格考試並作出必要調整。2010/11年度地產代理資格考試及營業員資格考試的平均合格率分別是35%和51%。為維持及提升持牌人的專業水平，我們所採用的首要及最有效機制之一是設定適當的考試難度，確保通過考試的人士達到必要的水平。

通過資格考試只是第一步。根據《地產代理條例》，所有人士均須符合一定條件才能獲發牌照。監管局會仔細調查及核實申請，以確定申請人是否符合所有條件，若有虛假聲明，我們將從嚴處理，通常會作出刑事檢控。監管局嚴謹對待發牌工作，凡不符合條件的申請人概不接納。2010/11年度共有7,189名新申請人獲發牌執業。

### Introduction

This is the second report I present as the Chief Executive Officer of the Estate Agents Authority (EAA). During the financial year 2010/11, the property market in Hong Kong experienced a bumper year, with the total number of transactions hitting a high of 160,049, up 4.19% compared to that of the previous financial year. This has in turn attracted new blood joining the estate agency trade.

### Socio-economic backdrop

The property market experienced a dramatic turnaround after the financial tsunami in late 2008 and since then the number of transactions has been on a steady climb. The total transaction value of properties locally amounted to HK\$721.43 billion in 2010/11. On the one hand, this has proven to be beneficial to those professions closely related to the real estate business. Yet, on the other hand, the steady climb in property prices has been a matter of concern to many. Being a key player in facilitating property transactions, estate agents are increasingly under close scrutiny by the public. The red-hot first sale market has in particular drawn the attention of the public, and issues such as the order of first sales sites, and information passed onto consumers are matters of public interest. The ever-rising property price has not only benefited real estate developers, but has also brought opportunities to another group of practitioners – those specialising in the acquisition of old buildings for redevelopment.

### Number of licensees on a steady climb

The number of individual licensees climbed steadily in the financial year, rising from 27,433 to 31,984, a 17% increase. Such an increase was matched by the company licensees and Statements of Particulars of Business (SPOBs) issued by the EAA, which increased by 25% and 18% respectively within the financial year. The increase has put pressure on the EAA, not only because there is an ever-increasing number of licensees we need to regulate, but also because keen competition between licensees may generate various problems.

### A responsive and proactive approach to regulate practitioners

In recent years, the EAA has adopted a very proactive and responsive approach to regulate our licensees, so that emerging issues could be dealt with swiftly, thus preventing them from festering.

To ensure those who are licensed by the EAA have the required professional standard to discharge their duties, the EAA constantly monitors and makes necessary adjustments to the qualifying examinations we administer. The average pass rates of estate agents and salespersons qualifying examinations stood at 35% and 51% respectively in 2010/11. Setting examinations at an appropriate level to ensure those who pass meet the requisite standard is the first and one of the most effective mechanisms the Authority uses to maintain and raise the professional standards of our licensees.



#### 透過發出執業通告提供適時指引

持牌人與公眾密切接觸，並處理價值數以百萬港元計的交易，故在達成交易時必須極其謹慎。監管局定期發出執業通告及其他指引，以確保持牌人遵從相關法定及規管要求。2010/11年度，監管局刊發了6份執業通告，涵蓋諸如附有違例建築工程的物業租賃、地產代理在推廣一手物業時的操守及行為，及持牌人協助收購舊樓作重建用途時的操守等熱門課題。這些適時的指引提示持牌人注意相關法定及規管要求，並提醒他們遵守規則。

#### 確保守法循規及處理投訴

規管制度的一個重要部份是執行巡查及隨之而來的紀律處分制度。監管局職員定期巡查一手樓盤及地產代理商舖，以確保持牌人遵守我們的建議及指示。我們會積極處理所有違規行為，亦會將指稱成立的個案移交紀律委員聆訊及裁定。2010/11年度，監管局分別對一手樓盤及地產代理商舖進行1,150次及1,482次巡查，並進行490次網上巡查。年內，共有222名持牌人受到處分，處罰包括譴責、訓誡及罰款，嚴重者則會被暫時吊銷牌照。年內並無任何持牌人被撤銷牌照。

監管局處理的個案不僅來自行政部門主動執行的調查。事實上，隨着消費者日益關注自身的權利，他們通常是防禦持牌人不道德或不專業行為的第一道防線。2010/11年度，我們共接獲659宗投訴，較上一財政年度微升3.29%。另一方面，查詢數目則由2009/10年度的9,102宗微減(不足1%)至9,032宗。行政部門承諾會以高效專業的方式不偏不倚地跟進這些查詢/投訴個案。

Passing the qualifying examination is just the first step. According to the Estate Agents Ordinance (EAO), an individual must meet a number of conditions before a licence is issued. Very careful checks and verifications are conducted to determine if an individual fulfils those conditions, and false declarations will be dealt with severely, often resulting in criminal prosecution. The EAA takes its licensing work very seriously, and unsuitable candidates will be rejected. In 2010/11, 7,189 new applicants obtained a licence to practise.

### Timely guidance through issuing practice circulars

Being a trade which has close interaction with the public and deals with transactions worth millions of dollars, licensees must exercise great care and due diligence in closing a deal. The EAA regularly issues practice circulars and other guidelines in order to make sure licensees comply with the relevant legislative and regulatory requirements. In 2010/11, the EAA issued six practice circulars, covering such topical issues as leasing properties with unauthorised building works, conduct and behaviour of estate agents in promoting first sales, and conduct of licensees in helping to acquire old buildings for redevelopment purposes. This timely guidance alerts licensees to the relevant legislative or regulatory requirements, and reminds them to abide by these rules.

### Ensuring compliance and complaints handling

One of the important components of a regulatory regime is compliance checking and the ensuing disciplinary regime. EAA staff pay regular visits to first sale sites and estate agency shops to make sure licensees follow our advice and instructions. Breaches will be followed up vigorously and substantiated cases are brought before the disciplinary panel for hearing and adjudication. In 2010/11, 1,150 and 1,482 visits were paid to first sale sites and estate agency shops respectively, and 490 cyber-patrols were conducted. 222 licensees were disciplined in the year, their penalties ranged from reprimands, admonishments and fines, to the suspension of licence. No licence was revoked in the year.

Cases handled by the EAA are not solely generated from proactive investigations initiated by the Administration. Indeed, as consumers become more aware of their rights, they are often the first line of defence against unscrupulous or unprofessional behaviour of our licensees. In 2010/11, 659 complaints were received, a slight increase of 3.29% compared to the last financial year. On the other hand, there was a slight decrease (less than 1%) in the number of enquiries (9,032), compared to 9,102 in 2009/10. The Administration pledges to follow up these enquiries/complaints efficiently and professionally, without fear or favour.

### Raising professional and ethical standards

To raise the professional standard of licensees, in the year, 523 continuing professional development (CPD) courses/activities were organised by the EAA and other activity providers, attracting around 34,000 participants. Amongst the programmes organised by the EAA, subjects such as handling properties with unauthorised building works, transaction of village houses, and lowering of the threshold for the compulsory sale of old buildings were covered,

### 提升專業及道德水平

為提高持牌人的專業水平，年內，監管局及其他主辦機構共舉辦 523 場持續專業進修課程／活動，吸引約 34,000 人次參與。監管局舉辦的活動主題包括處理附有違例建築工程的物業、村屋買賣、以及與降低舊樓強制拍賣的門檻相關的課題，持牌人認為這些適時的活動讓他們獲益良多。然而，持續專業進修計劃的不足之處在於其自願性質。監管局開始進行深入討論，探討是否應將持續專業進修計劃由自願性改為強制性。我們已研究及考慮主要事項，但仍要擬定具體計劃，為這個改革奠定基礎。希望政府不久之後代表監管局將修訂法例提呈立法會審議。我們深信，持續提高從業員的專業水平是更好地保護消費者權益的關鍵。

培訓不僅限於傳授知識，提升持牌人的道德水平亦同樣重要。有鑑於此，監管局於 2011 年 3 月與廉政公署合辦為期三年的「誠信管理計劃」，計劃提供一套全面的培訓資料，以及一份協助地產代理識別高風險領域及補救措施的手冊。我們希望透過這一計劃讓持牌人形成「誠信公平可創富」的風氣！

### 內地與香港資格互認

年內監管局的一項里程碑就是與中國房地產估價師與房地產經紀人學會（「中房學」）簽署協議，為香港與內地從業員專業資格互認制定了架構。該互認計劃旨在促進兩地專業人士的交流，並允許對方的持牌人在本地執業。

### 監管架構檢討

《地產代理條例》自 1997 年通過以來，偶有輕微修訂。然而，時移世易，公眾的期望亦已有所改變，有必要全面檢討現行條例以確保《地產代理條例》能夠繼續提供有效的規管架構。行政部門已開始進行相關研究工作，並將在適當時向董事局報告研究結果。

### 機構管治

監管局有必要進行定期健康檢查，以確保我們的程序足以維持及提升監管局作為一個公正法定機構的形象。年內，董事局檢討了已實施多年的「利益申報」制度，並更新了所有董事局成員使用的利益申報表。此外，當董事局或委員會審議或決定任何事項時，董事局及其委員會的所有成員均須申報其利益。行政部門亦已採用類似的申報表。

自從監管局被納入申訴專員的監管範圍後，在 2010/11 年度，申訴專員向監管局行政部門轉介兩宗個案。行政部門就個案進行深入研訊後，向申訴專員作出詳細解釋，並就程序的改進提出適當建議。申訴專員對我們的回覆表示滿意，並無須採取任何進一步行動。我們歡迎這些轉介個案，因為這有助於我們找出不足之處，並促使我們改進。



and licensees considered these programmes timely and useful. However, the CPD programme is deficient in that it is a voluntary scheme. The EAA has kicked off an in-depth discussion on turning the voluntary CPD programme into a mandatory one. Major issues were thrashed out and deliberated, and more ground work will be done to develop a concrete plan. We hope that before long the government will submit legislative amendments to the legislature on behalf of the EAA. It is our firm belief that a continuing professional upgrade is the key to better protect consumer interests.

Training is not confined to imparting knowledge. It is equally important to raise the ethical standards of licensees. Hence, the EAA initiated the Integrity Management Programme, hand in hand with the Independent Commission Against Corruption, in March 2011. This programme, which will span three years, contains a comprehensive set of training materials and a manual for identifying high-risk areas for remedial action in estate agencies. It is the hope of the Authority that through this programme licensees will embrace the ethos "It pays to play fair and proper"!

### Mutual recognition of qualifications between the Mainland and Hong Kong

Another milestone reached this year was the signing of the agreement between the EAA and the China Institute of Real Estate Appraisers and Agents (CIREA), which provides a framework to enable mutual recognition of qualifications between practitioners of Hong Kong and the Mainland. This mutual recognition scheme aims at promoting the flow of expertise between the two places, and will enable Hong Kong licensees to practise in the Mainland, and vice versa.

### Review of regulatory framework

Since the EAO was passed in 1997, there have been minor changes to the ordinance. However, with the passing of time, and the changing expectations of the public, a more comprehensive review of the legislation is needed to make sure it continues to provide a strong regulatory framework. The Administration has started the ground work and will report its findings to the Board in due course.

### Corporate governance

A periodic health check is essential in order to ensure that necessary procedures are in place to maintain and uphold the Authority's image as an impartial statutory body. In the year, the Board reviewed the "Declaration of Interest" system which has been implemented for many years, and updated the declaration form for use by all Board members. In addition, all members of the Board and its committees are required to declare their interests whenever matters come before the Board/Committee for deliberation/decision. On the Administration's side, a similar declaration form has been adopted.

Since coming under the scrutiny of The Ombudsman, in 2010/11, two cases were referred to the EAA Administration by The Ombudsman. After an in-depth inquest into those cases, the Administration gave detailed explanations to The Ombudsman, with suggested improvements to our procedures where appropriate. The Ombudsman was satisfied with our replies and no further action was required. We welcome these referrals because they help us focus on our deficiencies, and prompt us to make improvements.

### 提升透明度

一個有公信力並獲得公眾理解和支持的機構，是建基於不斷提升的透明度。2010/11年度，監管局實施一系列新舉措，向公眾宣傳我們的最新政策及發展。自2011年2月起，在每次董事局會議結束後，監管局均刊發新聞稿，讓公眾了解有關會議所作的重大政策決定。此外，除監管局主席每年主持兩次例行新聞簡報會，向公眾公佈監管局的工作外，監管局還舉辦傳媒採訪及簡報會，透過傳媒向公眾公佈監管局制定的最新倡議及措施。這些傳媒採訪及簡報會通常由監管局主席及各委員會主席主持，並有行政部門的高級職員參與。今年3月底，我們還舉辦了巡迴展覽，在三個港鐵站展示監管局的工作。我們亦與傳媒合作，刊登了大量消費者教育文章及專欄。2010/11年度，行政部門共處理116次傳媒查詢，組織25次新聞發佈會／採訪，並發佈10篇新聞稿。

### 公眾參與及聯絡業界活動

我們的社區外展工作及聯絡計劃並不僅限於傳統媒體。互聯網是一個無界限且全天候運作的平台，因此我們投入更多資源透過網頁發佈資訊。監管局網站已運作多年，2010/11年更作出了革新。新網站版面煥然一新，且介面更簡單易用。網站不僅是向公眾提供有用資訊的平台，亦是連結監管局與持牌人的無形之橋。此次網站革新是監管局引入更多電子化計劃的重要一步。持牌人將可透過這個全新電子平台，獲取最新消息及培訓資訊、提交資料，最終還可在網上續牌。除改進與各界人士的網上連繫外，我們亦升級了電話系統，這亦是公眾及持牌人獲取資訊及查詢最常用的方式。2010年7月，我們安裝了一套具有自動分配來電等先進功能的全新熱線電話系統。雖然新系統安裝後，在初期難免會有些技術性的問題，但該系統有望縮短致電者的等候時間，同時以更簡單易用的方式向用戶提供有用資訊。

與業界交流是我們的規管工作的一個重要一環。行政部門每季定期與八個業界商會代表會面，討論重要事項並交流意見。作為負責任的規管者，監管局定期檢討並在適當情況下加強對業界的監管，從而提高持牌人的水平。定期與業界對話有助從業員了解我們所採取的新舉措及政策的原因，並讓他們作好充分準備，以配合這些措施的實施。

### 提升監管局員工的能力

員工是我們最寶貴的資產。監管局要成為有效及負責任的規管者，行政部門的團隊必須能夠有效履行職責。2010/11年度，我們推出一系列人力資源政策。2011年年初，我們引入了全新的「表現為本的管理制度」，按員工的工作表現調整他們的薪酬。雖然在制度實行之初，員工難免會有疑慮，但行政部門確信，該制度將鼓勵良好表現，並讓尚有進步空間的同事有進步的動力。行政部門亦非常重視員工培訓。透過定期專題講座、度身訂造的課程以及員工主導的培訓等舉措，培養員工的能力。行政部門各小組緊密合作，取得可喜成果，2011年年初進行的管理人員團隊訓練活動，亦進一步增強了員工的凝聚力。為加強管理層與員工之間的溝通，我們成立了員工委員會。員工代表定期參加會議，提出員工關注的事項供管理層考慮。我亦定期主持行政總裁論壇，向全體員工發佈及解釋董事局通過的重大政策或舉措。我希望通過這些雙向溝通渠道，加深各小組及各級員工之間的互相理解，提升團隊的凝聚力。



### Increasing transparency

Greater transparency is the cornerstone of a credible organisation and is indispensable in garnering public understanding and support. In 2010/11, the EAA launched a number of new initiatives to keep the public informed of its new policies and developments. With effect from February 2011, a press release was issued at the conclusion of each Board meeting, informing the public of important policy decisions made. Furthermore, apart from the EAA Chairman hosting two regular press briefings each year to apprise the public of the work of the Authority, press interviews and briefings were organised to let the public know, through the media, the new initiatives and measures instituted by the EAA. These interviews and briefings were usually hosted by the EAA Chairman and Committee chairmen, assisted by senior officials of the Administration. A roving exhibition, which publicised the work of the EAA, was mounted at three MTR stations towards the end of March 2011. In collaboration with media groups, a number of consumer education articles and columns were published. In 2010/11, the Administration handled 116 media enquiries and organised 25 press briefings/interviews. Ten press releases were issued.

### Public engagement and trade liaison programmes

Our public outreach and engagement programme is not confined to the traditional media. We devoted more resources to the web-based approach of information dissemination, which has no boundary and can be accessed 24/7. The EAA website had been in operation for many years and in 2010/11 it was revamped. In addition to a fresh look, special attention was paid to make it more user-friendly. This platform not only provides useful information to the public, but is also a virtual bridge between the Authority and its licensees. The recent revamp is an important building block for the EAA to introduce more e-initiatives. The new electronic platform will enable licensees to obtain news and training materials, submit information, and eventually renew their licence online. Apart from enhancing our web-based connection with the community, we also upgraded our telephony system, the most common method the public and licensees use to obtain information or make enquiries. Our new enquiry hotline system with advanced features, including Automatic Call Distribution, was installed in July 2010. While it is inevitable that a new system might have teething problems, we are hopeful that this will shorten the waiting time of callers, while at the same time provide useful information in a user-friendly manner.

Our engagement with the trade is an important component of our regulatory work. The Administration meets with representatives of eight trade associations on a quarterly basis, and important issues are discussed and views exchanged. As a responsible regulator, the EAA regularly reviews and, where appropriate, tightens control over the trade, thus raising the standards of licensees. A regular dialogue with the trade helps practitioners understand the rationale behind our new initiatives and policies, and prepares them for the eventual introduction of these measures.

### Capacity building for EAA staff

Our human resources are the most valuable asset in the organisation. For the EAA to be an effective and responsible regulator, it is imperative that the Administration is a strong team that can deliver. In 2010/11, a number of HR initiatives were launched. A new "Performance



(左起) 監管局服務總監韓婉萍女士、執行總監黃維豐先生、PMSM、行政總裁余呂杏茜女士及規管及法律總監劉淑榮女士。

(From left) EAA Director of Services Ms Ruby Hon, Director of Operations Mr Anthony Wong, PMSM, Chief Executive Officer Mrs Rosanna Ure and Director of Regulatory Affairs and General Counsel Ms Eva Lau.

### 展望未來

對監管局而言，未來數年令人振奮，亦充滿挑戰。樓市很大程度上受到貨幣政策、房屋政策及其他經濟趨勢所影響，直接影響交易數目，從而影響持牌人數目。由於監管局的主要收入來自牌費，牌照申請人及續牌人數的增減勢必影響監管局的財政狀況。監管局繼續維持審慎的理財政策，同時將保持警惕，並適時推行必要的變革。

監管局必須不負厚望，成為高效、負責任、公平、回應迅速的規管者。在監管局成立15周年即將來臨之際，有不少成果固然值得我們引以為傲，但同時我們亦要承認，為使地產代理執業真正專業化，我們還有很長的路要走。2010/11年度，我們開展了多項措施，例如討論是否應將持續專業進修計劃由自願性改為強制性；內地房地產經紀人與香港地產代理的專業資格互認；及全面檢討《地產代理條例》以加強規管制度等，將為監管局的未來發展奠定基礎。

沒有董事局的鼎力支持，如此雄心壯志的行動計劃是無法達成的。我衷心感謝董事局一直以來給我的建議和支持。尤其是，我非常榮幸能有機會與主席共事，她的智慧及遠見鼓舞我和同事，令我們充滿信心，邁步向前。最後，我衷心感謝監管局全體員工的全力支持及盡忠職守，我們共同努力取得了卓越成就，亦已作好充分準備，迎接充滿挑戰而令人振奮的新的一年。

行政總裁  
余呂杏茜

Management System", which formed the basis of awarding differential salary adjustments to all staff based on their performance, was introduced in early 2011. While it inevitably caused staff some concern in the initial stage, the Administration firmly believes that such a system will encourage good performance, while those who have room for improvement will have every opportunity to do so. The Administration also put great emphasis on staff training. Regular talks on topical issues, tailor-made courses and staff-initiated training were part of the Administration's effort to build the capacity of its staff. Close collaboration between various teams in the Administration has produced good results, and this was further enhanced by a team building event organised for managerial staff in early 2011. To strengthen the communication between the management and staff, a Staff Committee was formed. It met regularly and staff representatives brought up issues of concern for the consideration of the management. I also hosted a regular CEO's Forum, disseminating and explaining important policies or initiatives approved by the Board to all staff. Through these two-way communication channels, I hope to foster a better understanding between the various teams and ranks, and build a more cohesive team.

### Looking ahead

The next few years will be exciting and challenging years for the EAA. The property market is heavily influenced by monetary and housing policies and other economic trends. This will have a direct impact on the number of transactions and in turn will affect the number of licensees. Since the major source of income of the EAA comes from licence fees, fluctuations in the number of licence applications/renewals will inevitably affect the financial position of the Authority. While the EAA will continue to adopt its prudent financial management policy, we will remain vigilant and make necessary changes when required.

The EAA must live up to the expectation to be an effective, responsible, impartial and responsive regulator. With the approach of the 15th anniversary, the EAA has much to celebrate for the work it has done, but also has to acknowledge that much still needs to be done to make the estate agency practice a truly professional occupation. The various initiatives which started in 2010/11, such as the discussion of turning the voluntary CPD programme into a mandatory one; the mutual recognition of qualifications between EAA licensees and members of CIREA; and the comprehensive review of the EAO to strengthen our regulatory regime etc. will pave the way for the future developments of the EAA.

Such an ambitious action plan cannot be accomplished without the staunch support of the Board. I am grateful for the advice and support the Board has rendered me. In particular, I am privileged to have the chance to work with our Chairman, whose wisdom and foresight has inspired me and my colleagues to move forward with confidence. Last but certainly not least, I am indebted to the support and loyalty of all EAA staff, who collectively have achieved a great deal this year and are geared up for another challenging yet exciting year.

**Rosanna Ure**  
Chief Executive Officer