

主席報告 CHAIRMAN'S MESSAGE



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Chairman

巨變當前，我們要穩步向前和靈活應對

自2008年3月31日以來，持牌人數持續上升，累計增幅達46%，為業界提供了充足的服務人才資源。

鑑於近期樓市波動，我們要意識到，樓市一旦下跌，將會導致交投萎縮，持牌人供過於求，亦可能會因市道轉差而構成佣金下調壓力。這種情形可能會導致地產代理從業員採取不當措施。這類個案已不時見諸報端，例如在購物商場裏設置的一手樓盤展銷廳，代理對商場顧客造成滋擾，或者是襲擊個案及其他偶爾的不當行為。無可否認，根據業內慣例，地產代理底薪相對較低，其收入很大程度上取決於能否達成交易。因此，地產代理從業員面臨壓力，往往要竭盡所能，務求達成交易。上述極端行為可能只是一時衝動所致，然而，作為規管者，無論是在實際上或在心態方面，我們都要有備無患，防止此類事件帶來的衝擊。我將致力確保董事局及管理層時刻保持警醒和積極的態度，迅速地作出有效回應。同時，我們亦會確保有足夠執行監管工作的人手及配備的軟件。

地產代理對客戶個人資料的管理

「尊敬的女士，這是一個自由的國度。我們有權在公眾場合分享您的私隱。」 — *Peter Ustinov (1921-2004): Romanoff and Juliet (1956)*

經過日積月累，每位地產代理都會累積一個交易資料庫。這類資料庫涉及不少的市民的大量準確及最新資料。業界對這些資料的收集及持續使用須受監管指引規管。公眾日益關注對個人資料的保護，並要求第三方不得將個人資料用於收集目的以外的用途。有見及此，最近有建議修訂現行《個人資料(私隱)條例》，並引起公眾及持份者的共鳴。

作為規管者，我們將繼續關注對現行法例的任何建議修訂。我們將着力確保地產代理從業員在正常開展業務之時毋須受過份限制，但他們同時有責任妥善管理有關資料。

As significant changes loom, we need to manage ably and with tenacity

With a continuous increase in licensees representing a cumulative increase of 46% since 31 March 2008, we have an abundance of service providers.

Given the recent volatility in the property market, we need to be aware that any downturn will result in too many licensees servicing what could be a shrinking pool of transactions, and/or a declining commission quantum with a downward market adjustment. This sometimes brings about unwarranted measures by trade members. It is already evident in the widely reported cases of nuisance to shoppers in shopping malls which serve as first sales show flats venues, or assault cases and other unbecoming conduct from time to time. The business model of the profession is structured on a relatively meager basic pay, where the real livelihood is dependent on successfully securing a deal. Hence, the pressure of getting a deal "come what may". While these desperate measures are often driven by impulse, we need, as a regulator, to be prepared both physically and mentally to deal with a possible onslaught of such incidents. I am committed to ensuring that both our Board and management will be responsive and effective in ensuring a vigilant and positive stance, while also being fully equipped with additional manpower and other software in our enforcement functions.

Management of client personal data in estate agency practice

"This is a free country, madam. We have a right to share your privacy in a public place." - *Peter Ustinov 1921-2004: Romanoff and Juliet (1956)*

Every estate agency business will have, over time, accumulated a data bank of their transactions. Such a data bank represents a wealth of remarkably accurate and updated information of a sizable portion of our population. It is important its collection and continued use by the trade is governed by regulatory guidelines. There is considerable concern and an increasing demand from the public that their personal data are protected, and their use in the hands of third parties is restricted to the purpose for which they were collected. Hence, the recently proposed reform legislation to replace the existing Personal Data (Privacy) Ordinance. The proposed amendments have attracted much resonance from the public and the respective stakeholders.

As a regulator, we will continue to evaluate any suggested amendment to the existing laws. We will ensure the trade is given the ability to continue with its normal course of business without undue restrictions, and yet ensure such data be given their due governance.



堅持「誠信公平可創富」

「假如我們不知道何謂正軌，就不能辨別甚麼是離經背道。」 — G.K. Chesterton (1874-1936)

監管局與廉政公署於今年3月攜手推出為期三年的「地產代理誠信管理計劃」，業界對此反應積極。對此，我感到十分欣慰。不少地產代理及業界商會已將監管局及廉署製作的影片及培訓教材用於內部培訓計劃。我們已舉辦多場誠信管理講座，吸引眾多從業員參加。總括而言，我相信我們的舉措適逢其時、定位準確。當然，我們會繼續努力，實施相關計劃。建立誠信文化並非一朝一夕可以成事。俗語有云，羅馬非一日建成，建立任何事物，均離不開穩固的根基。

有關一手住宅樓盤銷售的立法建議

THE ICON事件揭露不少現時的灰色地帶，例如持牌人的責任起點，持牌人在履行職務時所應盡一切努力的範圍等，而政府在有關方面的舉措值得讚賞。監管局代表是「立法規管一手住宅物業銷售督導委員會」成員之一，此委員會將會提出立法措施建議，供市民參考。在業界，地產代理從業員實質上屬於一手物業的銷售隊伍。精明的發展商懂得善用大型地產代理的廣泛銷售渠道網絡，而代理公司職員又是監管局持牌人。這也是監管局持牌人數目持續快速增長的原因之一。

我認為，這對於業界是一個利好消息。擬議法例有助明確界定他們的責任範圍及問責程度。更重要的是，這有望為業界提供可靠依據，藉法例所訂明的條款，業界可向發展商索取必要的資料及材料，以便他們妥為履行職責。

我將確保監管局及時地妥善回應有關立法工作，並為政府及業界提供鼎力支持，以促進上述措施的有效實施。

Sustaining 'IT PAYS TO PLAY FAIR AND PROPER'

"You can't turn a thing upside down if there's no theory about it being the right way up."

- G.K. Chesterton 1874-1936 attributed.

I am delighted our three-year integrity management programme launched jointly with the ICAC in March this year has attracted such a positive response from the trade. Many estate agencies and trade associations have adopted the specially tailored video and training package for their own in-house training programmes. We have held integrity management seminars which attracted an overwhelming number of participants. All in all, I am convinced our initiative is well placed and accurately positioned. We will, of course, continue to hone our efforts and sustain the programme. Integrity culture building is a continuing endeavor. As the saying goes, Rome is not built in a day, and anything that is built must rest on a solid foundation.

Legislative proposals for first sale residential properties

With the ICON incident bringing to the forefront the many grey areas which now exist, such as where and how the responsibility of our licensees begin, and at what point, and to what extent they need to have the responsibility of due diligence, the government's initiative in this direction is to be applauded. The EAA is represented on the Steering Committee on the Regulation of Sale of First-hand Residential Properties by Legislation, which will in due course recommend legislative measures for review. It has been a practice that our trade members are in essence the sales force of first sales developments. Developers are astutely tapping into the extensive network of outlets of the larger estate agencies, and their respective army of manpower, who in turn, are our licensees. This partly accounts for the rapid and sustained increase of our licensee numbers.

I see this as good news for the trade. The proposed legislation is a welcomed clarification of its line of responsibility and degree of accountability. More importantly, it will hopefully equip the trade with a sound basis to request from the developers the requisite information and materials to enable it to discharge its duties properly.

I will see to it we will respond timely and appropriately to these legislative endeavours, and that we will give our full support to both the government and the trade, so that such measures will be implemented effectively.

應對新的措施

在額外印花稅生效前後，我們均有邀請稅務局向業界闡釋該新法例的運作。我們已經組織過相關的研討會，亦會為業界編製一份新的執業通告。在任何新法例的實施初期，我們已經未雨綢繆，隨時準備應對新法例實施初期可能出現的問題。我們亦為業界提供支援及幫助，協助他們了解和適應日後的合規要求。

我預期新措施將會陸續推出。我們將一如既往，責無旁貸地全力支持有關新措施。

促進業界和公眾的權益

監管局的首要責任是保障業界及廣大公眾的利益。我們並無必要偏袒任何一方。保障雙方的利益是監管局的宗旨。

監管局網站於2011年4月進行全面革新後，我們開始為持牌人推出網上電子服務。

持牌人紀律處分紀錄在線搜索引擎的籌備工作已有一段時間，並已於2011年4月初推出。新的系統將有助使用者更方便地找到所需的資訊。搜尋結果包括持牌人最近兩年的紀律處分紀錄，披露範圍的時限較之前更長。

我們為業界提供支持及資源

早前，監管局提出內地房地產經紀人與香港地產代理專業資格互認計劃，地產代理業界反應踴躍。本報告付印之際，首批獲得資格的地產代理業界人士數目亦將見分曉。我衷心祝願並祝賀他們能以此契機，為自己的事業開拓新的境界。無論是挑戰抑或是全新的視野，我都希望這會帶來前所未有的機遇。

為了落實互認計劃，我們一直在籌備與內地同業舉辦培訓課程及考試。培訓課程及考試將於2011年7月舉行。我們期待新成員的加入。內地同業可望為我們的從業人員帶來新視野，令香港地產代理能夠透過與內地同業在香港市場上的合作，學習新的服務文化。

Response to new measures

We have, prior to and as the Special Stamp Duty becomes law, invited the Inland Revenue Department to explain to our trade the workings of this new law. We have organised seminars and will also prepare a new practice circular for the trade. As with any new legislation, we are prepared for teething issues. We will support and help our trade so that it is clear and comfortable with compliance going forward.

There will no doubt be further new measures from time to time. We will be our usual duty bound guardian to ensure they are given our full support.

We are the vanguard of the trade and the public

The EAA's primary responsibility is to both the trade and the public at large. There need not be a weightier leaning to either as both sets of interests are our *raison d'être*.

After the overhaul of our website in April 2011, we will launch online e-Services for our licensees.

We prepared an online search engine of licensees disciplinary records which was made available in early April 2011. This new arrangement is more user friendly. The search will disclose two years of licensees' disciplinary records. This represents an extension from the prior disclosure limit.

We are a support and resource for the trade

We received a good response for nominations for the scheme of mutual recognition of professional qualifications of estate agents in the Mainland and Hong Kong from our trade members. As this goes to print, we will have the number of our first batch of trade members who have attained this qualification. To every one of them, I extend my warm wishes and congratulations for a fulfilling added dimension to their careers. May this be a hitherto untapped opportunity, be it both a challenge and a new horizon.

We have also been making preparations to reciprocally conduct training and examinations of our Mainland counterparts, which will take place in July 2011, and we look forward to new members joining our trade. Our Mainland counterparts will bring new perspectives to our own trade members, enabling our trade members to live and learn a new service culture when they come to work with us in our market.

Through ad hoc and regular trade liaison meetings, we will continue to listen to and support our trade members. We see our pivotal role in providing support to newcomers, as we have seen a continuous rising trend in the numbers pitching in for the entry examinations, having risen dramatically by 167% since 2007/08.

我們將繼續透過因應特別需要及定期業界聯絡會議，聽取地產代理從業員的意見並為其提供支持。我們留意到，報名參加資格考試的人數持續增長，自2007/08年度以來已大幅增長167%，我們亦因此意識到，監管局在為新的從業者提供支持方面擔當着重要角色。

熱烈歡迎

今年，董事會新增七名成員，他們都能夠迅速投入工作且貢獻良多。我衷心感謝各位盡忠職守、兢兢業業的委員會主席，包括監管局副主席兼執業及考試委員會主席梁永祥先生；專業發展委員會主席劉詩韻女士；牌照委員會及第28條調查小組主席廖玉玲女士；及紀律委員會主席馬豪輝先生；不但要感謝他們為領導各個委員會所付出的大量時間，更要感謝他們的才智和真知灼見。我衷心感謝他們的建議和不懈奉獻。

我們亦歡迎運輸及房屋局常任秘書長(房屋)栢志高先生，感謝他帶領一支團隊，為監管局的倡議及計劃提供支持。

誠如我在去年年報中所述，我有幸擁有一個優秀的管理團隊，團隊成員包括監管局的各位總監：執行總監黃維豐先生、規管及法律總監劉淑棻女士及服務總監韓婉萍女士，以及監管局行政總裁余呂杏茜女士。我們能取得目前的成績，實有賴他們與監管局全體同事的共同努力。

全賴以上各位的努力和貢獻，我們的抱負和使命方得以實現。謹此引用王爾德(Oscar Wilde)的一句名言：

此時此刻，說出自己的心裏話不僅是道德上的責任，更是一件樂事。

主席
陳韻雲，BBS，JP



A warm welcome

This year sees seven new members of the Board, all of whom have settled swiftly and contributed significantly. Our trusted and always devoted respective committee chairs; Mr William Leung, Vice Chairman and Chairman of the Practice and Examination Committee; Ms Serena Lau, Chairman of the Professional Development Committee; Ms Elaine Liu, Chairman of the Licensing Committee and Section 28 Investigation Panel; and Mr Ma Ho-fai, Chairman of the Disciplinary Committee; are warmly thanked not only for the long hours they have spent on these committees, but also for their wisdom and insight. I am truly indebted to their counsel and tireless devotion.

On the Transport and Housing Bureau front, we welcome our new Permanent Secretary, Mr Duncan Warren Pescod, who has led a supportive team for EAA initiatives and plans.

And in the last annual report, I continue to count my blessings for having an excellent management team, consisting of our Directors; Mr Anthony Wong, Director of Operations, Ms Eva Lau, Director of Regulatory Affairs and General Counsel, Ms Ruby Hon, Director of Services, who are ably led by Mrs Rosanna Ure, our Chief Executive Officer. Together they have worked hard with all of our colleagues at the EAA to achieve what we have.

All of the aforementioned have made what we aspire to possible. In the words of Oscar Wilde:

On an occasion of this kind it becomes more than a moral duty to speak one's mind. It becomes a pleasure.

Vivien Chan, BBS, JP
Chairman