



## 主席的話



陳韻雲，BBS，JP 主席  
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*Chairman*



## Chairman's Message

“這六年來監管局在多方面屢創新猷、  
勇於嘗試，並茁壯成長。我祝願監管局  
在未來繼續致力於此。

*The EAA has pioneered in many  
areas during these six years. We have  
ventured where we have not been, and  
have grown and thrived. May the EAA  
continue to do so in years to come.”*





## 主席的話

### 走過六年開關之路

這個夏天到紐西蘭小休期間，有幸得一好書作伴。艾倫·狄波頓(Alain de Botton)的《旅行的藝術》(The Art of Travel)以質樸的文字與豐富多彩的軼事，總括了何謂旅行和旅程管理。

以此為契機，我反思了這六年來在地產代理監管局的旅程：由接掌到引領監管局探索未知的領域，日積月累最終獲得豐碩成果，當然還有克服香港地產代理行業接踵而來的難關和挑戰。

《旅行的藝術》巧妙地分成以下幾個部份：

出發又名抵埗  
動機  
風景  
藝術  
回歸

除了「出發」應改為「抵埗」，以符合本文目的外，其他部份與我這六年的旅程無不相同。

### 抵埗

書中第一章講述對旅行的期望，這與六年前運輸及房屋局局長鄭汝樺女士致電邀請我擔任主席時的情況如出一轍。在這之前，我從未於監管局內擔任公職，因此，我立刻找來《地產代理條例》，從頭到尾看一次。我背負着焦慮之餘，卻感到有點興奮。那時候，公職對我來說並不陌生，因為我剛完成擔任旅行代理商諮詢委員會主席達六年之久，亦曾任旅遊發展局的財務及編制委員會主席，在旅發局渡過了重要的六年。回想起來，那是我當時在公職生涯中最開心的日子。監管局看似兼備了旅行代理商諮詢委員會與旅遊發展局的職能，但實際上比它們還要擁有更大的監管權力，擁有發牌機制，並非「無牙老虎」。

與鄭汝樺女士來回多番交流後，我終於答應了接掌監管局。我很快便安頓好，並開始着手了解監管局的實際運作，局內完備的硬件令我印象深刻。在我出任主席之時，所有持份者均各司其職、各守其份。因此，我需要考慮的是如何更上一層樓，為了從業員及廣大消費者而推動業界進步，或是鼓勵政府做得更多，走得更遠。

### 動機

「誠信公平可創富」便是由此應運而生。在我接掌主席之位時，監管局已經運作了11年。規管的工作正進行得如火如荼，社會大眾得享11年良好工作的成果。我們能做的，便是向從業員灌輸一個概念：

**自律守紀，從心出發。**

這就如植樹栽花，過程漫長，耗費心力和精力。六年過去，我很高興漸見成果。

從業員及業界領袖除了可以標榜他們在短時間內能促成多少宗交易之外，亦能自豪於他們如何純熟地將監管局的指引結合到其管理制度之中。



## Chairman's Message

### A road less travelled, six years hence

I have the good fortune of the company of a wonderful book during a recent summer break in New Zealand. *The Art of Travel* by Alain de Botton sums up journeys and the management of travel in pristine verses with colourful anecdotes.

It helps me reflect on the six years journey I have had with the EAA, from taking over to leading it to sometimes unknown pastures, culminating in scoring the many successes, and of course, overcoming the all too frequent crisis and mishaps of the estate agency industry in Hong Kong.

*The Art of Travel* is very aptly divided into the below sections:

DEPARTURE alias ARRIVAL  
MOTIVES  
LANDSCAPE  
ART  
RETURN

It is not unlike my six years journey, save and except the departure should really be arrival for the purpose of this message.

### ARRIVAL

The first chapter in the book on anticipation of the journey mirrors the call six years ago from Ms Eva Cheng, then Secretary for Transport and Housing, inviting me to take up the chair. Without having served in any capacity at the EAA, I got hold of the Estate Agents Ordinance and read the Ordinance from beginning to end. I was burdened with anxiety but a trifle excited. Public service was no stranger at that point. I served as Chairman of the Advisory Committee on Travel Agents (ACTA) for six years right before then, and chaired the Finance and HR committee of the Tourism Board where I had a momentous six years on the Board. I still reminisce it was the happiest times of my public service array to date back then. The EAA seems then to encapsulate ACTA and the Tourism Board functions, but even better, it does have a licensing function, i.e. real teeth.

After quite a number of to and fro with Eva, I said yes to steering the EAA. I quickly got myself ensconced into the paper side of how it is run and was impressed with all the hardware which was in place. I came into the chairmanship where all the stakeholders knew their place, so to speak. I thought of how we can better it, either improving on the trade as an industry for both trade members and the consumer at large, or inspiring the government to do more and brave more for the same cause.





## 主席的話



## 風景

如果有人需要在變化萬千的環境中工作，即管來香港的地產市場試試吧！我敢肯定，地產市場是香港各經濟支柱中波動最大、亦是最重要的其中一環，它貫通了各項社會及地域分界。只要能妥善地監管地產代理業界，儘管面對市場壓力，也能確保香港地產的真正價值獲得重視和肯定。

在我接任主席之時，地產市場是開放給所有人的。雖然過去三年的稅務政策帶來了一些限制，但總體來說，相比起大部份其他國家市場，它仍是一個相對自由的市場。

正如所有市場一樣，地產市場中會有多元化的參與者，當中會有些長及短線投資者，這些投資者如國際基金和投資公司等，都不時參與其中。

然後還有機構投資者，或所謂的大業主。他們擁有龐大影響力及實權，控制地域上微觀、有時甚至宏觀的市場。他們的地域影響力通常無與倫比，大部份或所有人都擁有發展商背景。

當然，還有發展商。這些年來（直至最近頒布並實施了《一手住宅物業銷售條例》），監管局常會被傳媒追問如何規管發展商在一手住宅物業的銷售手法，由示範單位的座向，到實用面積的表述皆有。

總而言之，監管局在公眾心目中的首要使命，便是要在置業這項重大投資方面，保障升斗市民。



## Chairman's Message

### MOTIVES

This is how the "IT PAYS TO PLAY FAIR AND PROPER" maxim was born. I reckon by the time I took over the chairmanship, the EAA has been going for 11 years. The regulatory function is churning well and the public is by and large reaping benefit from the 11 years of good work. What we can do is to instil in trade members:

#### MOTIVES TO BE GOOD.

This of course is like planting trees and sowing seeds. It takes time, patience and relentless efforts. Now, six years hence, I am pleased to perceive noticeable improvement.

Besides priding themselves as to how many deals they have done in a given time, trade members and their leaders are quite comfortably conversant as to how good they are at getting our EAA guidelines incorporated into their management fabric.

### LANDSCAPE

If ever one has to operate in a changing landscape, try the Hong Kong real estate market! It is one of the most volatile and, dare I say, important members of her economic pillars. It traverses social and geographical divides. Should the estate agency trade be regulated well, it helps to ensure Hong Kong real estate is valued and appreciated at its true worth, even given market forces.

When I came into the chairmanship, the real estate market was open to all. There may be some qualification to this with the advent of tax measures enacted in the past three years, but it is by and large still a freer market than most.

Like all markets, there are the inevitable market players, otherwise sometimes referred to as the speculators, and on a pluralistic plane, there are also the investors, who may or may not hold long term stakes from time to time, many of whom are international funds and investment houses.

Then there are the institutional owners, or otherwise called large estate owners. Between them, they have the influence and real power to govern the dynamics of micro and sometimes macro markets geographically. Their geographical strength is often unmatched by any. Some or all of them have developers' background.

Of course, then there are the developers. The EAA has for all these years (until the recently enacted and implemented the Residential Properties (First-hand Sales) Ordinance) on occasion been media hounded to task the regulation of first-hand sales behaviour of developers, from show flats orientation to saleable areas representation.

To round it all up and as to the one mission uppermost in everyone's mind for the EAA, is the protection of the man on the street purchase of his home, possibly his single most significant investment.



## 主席的話

基於歷史及地域原因，這種市場參與者的布局很少會出現變化。香港地少人多，對地產物業有強勁需求。蓬勃的經濟支撐着對辦公室、住宅和休憩處所的需求。儘管在這個虛擬技術的時代，很多人已經毋須再到實體辦公室上班，香港仍是亞洲首屈一指的城市和國際金融中心；加上日漸與中國經濟融合，對物業的需求更不會在短期內消退。因此，我們要追求正確的和符合國際標準的規則，我們也需要一個井然有序的管治文化、精明的用家，以及更精密的條例。條例也需要不斷優化，從而領先潮流及堵塞漏洞。監管局應立於這一切之上，亡羊補牢倒不如防患未然。

回顧這六年來監管局為符合上述標準而所作的努力，我可以很高興地說，我們已做了很多，並且做得很成功，成果值得自豪，包括下列各項：

在2013年規定業界在銷售二手住宅物業時採用實用面積表述物業面積。

與申訴專員公署合作，並謹慎地接受其監管。

為提升業界專業水平，繼續發出執業通告和提供持續專業進修活動。

實施簡化紀律處分的新措施，並貫徹執行有關「適當人選」的發牌準則。

優化使用第28條的指引，保持執法機制公平公正、貫徹始終和不偏不倚。

與運輸及房屋局及其他政府部門合作，學習因應政策和規定，將之轉化為能讓業界易於明白的指引。

領航監管局的使命，與傳媒合作教育消費者時刻保持警覺。

保持財政穩健。牌照數字會因市況波動，但無論何時，即使市況持續低迷，令牌費收入減少，監管局仍能擁有充足資源繼續運作。

我們還率先預留資金作購買辦公室之用。

最後，亦是最重要的一點：業界較以前更認同我們的使命。在我接任時，監管局實施了牌費寬免措施。此後，因為市況波動，業界不時要求降低牌照費。然而，輕微的減幅根本不能對業界有任何幫助，無論是管理層、公司東主或銷售人員都不能從中得益。其實，業界需要的是正常的物業交易量，為此，他們需要的是一個不論市況好壞，都保持交投活躍的市場。我很高興監管局並沒有屈從這方面的要求。即使是最艱鉅的時刻，如2008年的全球金融危機及因額外印花稅和買家印花稅出台而造成的市況低迷，市場仍能適時回升。

除了牌費問題之外，我們樂於看見業界在其市場架構、業內運作及管治各方面日趨成熟。毫無疑問，這個漸趨成熟的過程，實有賴監管局多年來的規管和領導。





## Chairman's Message

This landscape of players has more or less stayed constant for both historical and geographical reasons. Hong Kong is a small place with a big demand for real estate. It has a vibrant economy to support a genuine need for offices, homes and leisure. Notwithstanding this virtual technology age when more people work less in physical offices, Hong Kong is still Asia's premier city and an international financial centre. This need will not go away any time soon and with the merging of the economy with Greater China it will not diminish. So the chase is to get the rules of all these right. We need to have first-world rules. We need to have a culture of good governance for all, with smart users and even smarter regulations, the latter to evolve and hopefully pre-empt trends and abuse. We will then be on top of it all, not chasing buses and putting out fires.

In these six years, I look back and evaluate what the EAA has done to fulfil these benchmarks. I am happy to say we have done lots, and done them well. Our brag sheet is full and reads like:

Mandating our trade members to use saleable areas for sales of second-hand residential sales back in 2013.

Cooperating and accepting with diligence the scrutiny of the Ombudsman.

Holding forth with our constant practice circulars and CPDs for a better profession.

Streamlining our disciplinary measures and giving our "fit and proper" person criteria constant and consistent enforcement.

Bettering our Section 28 enforcement guidelines and keeping our enforcement regime unchecked and consistent, with no favour or deviance.

Working with the Transport and Housing Bureau and other applicable Government departments to learn, inspire and thereupon to translate policies and regulations into easy to understand practice guidelines for the trade.

Working with the media to vanguard the EAA cause, training our consumers to be as vigilant and as diligent as they should be.

Keeping our finances sound and solid. At any given time, the EAA is well endowed to survive a sustained downturn of the market which will mean a decrease of income from our licence dues. Licensee numbers remain quite volatile with market trends.

We have also spearheaded accumulating a set-aside fund for the purchase of our own offices.

Last but not least, and of utmost importance, we have now a better trade buy-in to our mission than we ever did. When I started with the EAA, we gave a rebate of their annual licence dues and since then, with the vicissitudes of the markets from time to time, the trade has asked for a reduction of licence dues. It is not going to help anyone in the trade, be it the management owners or the sales persons should there be a meagre percent of reduction. What they need is a healthy transacted volume of business. To that end, they need an active market, be it a down or an uptrend market. I am glad to say the EAA has not succumbed to such requests. Even in the abyss of despair times like the 2008 crisis and the recent quite frequent downturns with the advent of the SSD and the BSD, the market rebounded in time to give relief.

Besides the licence dues, we see a trade which is gladly maturing, both in terms of perspective of their own market geography and turf play, as well as their own governance. This maturing process is undoubtedly aided by the EAA regulatory and vanguard role over the years.





## 主席的話

### 藝術

艾倫•狄波頓將他對快樂與美的追求作為他旅行的原因。這樣廣闊和自由的行程範圍，就像我們一直以來，努力讓業界體會他們該如何運作一樣。對美的追求可以應用在處理交易這門藝術上，因為要誠實精確地處理好一宗交易，可說是比藝術更具吸引力。而促成交易在本質上也是一種藝術，從業員亦都深明此道。

要讓我們的地產交易成為真正的藝術，即代表我們必須與時並進，將科技融入過程之中。因此，我們制訂了電子版的地產代理協議，協助從業員可以選擇以電子方式簽立該協議。

監管局的監管方法亦能從科技中得益。未來，電子發牌應變成一種常規，而非一個選項；而持續專業進修平台亦可以電子化。後者對所有人都有益處，可讓空餘時間更有效率地作進修之用。我們必須向業界提供這一個選項。大多數的情況是從業員有心進修，但在有限的時間內，促成交易與進修這兩個願望，只能選擇其一。

### 回歸

回歸是指反思與改進，亦是感謝各方努力成果的時間。個人而言，我有很多人想要感謝。

我很高興韓婉萍女士從本年六月起成為我們新任的行政總裁。我自2008年接掌監管局後，便與她一同工作。她冷靜、能幹、在局內管理團隊中擁有八年的豐富經驗，我們有幸得她領導監管局，她亦是監管局內部人才提升的典範。我期待管理團隊未來更發熱發光。監管局的管理團隊是發揮監管局功能不可或缺的一部份，我們衷心感謝他們多年來的投入和努力。

這六年間，讓我感到愉快、和在危機中能繼續堅守下去的，是各董事局成員的支持和努力。我在此感謝紀律委員會主席廖玉玲女士、牌照委員會及第28條調查小組主席劉詩韻女士、執業及考試委員會主席梁永祥先生和專業發展委員會主席伍景華先生的不懈努力。多年來，深受各董事局成員帶給監管局的真知灼見所啟導，令我獲益良多。

運輸及房屋局局長張炳良先生、運輸及房屋局的前任常任秘書長（房屋）栢志高先生和現任秘書長（房屋）應耀康先生及其轄下團隊，均給予我和監管局很多寶貴意見及支援。

我衷心感謝他們的支持和建議。

那為甚麼這是一條開闢之路呢？話說這六年來監管局在多方面屢創新猷、勇於嘗試，並茁壯成長。我祝願監管局在未來繼續致力於此。

**陳韻雲**

主席

寫於2014年8月12日的奧克蘭往新加坡航機上，與艾倫•狄波頓的精神一致。



## Chairman's Message

### ART

Alain de Botton related his quest for delight and beauty as a reason for travel. With such a wide and free agenda, it is not unlike what we strive to get our trade to perceive how they should operate. Beauty can be applied to the art of a deal, as a deal executed with integrity and precision can be no less attractive than a piece of good art. There is indeed art in the nature of securing a deal, to which our trade members know rather well.

To get our real estate transaction to true art form means it is and should be in keeping with the times in getting technology built into our process. We are getting an e-version of the agreement to be signed by clients with the trade as an option.

The EAA regulatory modus can also benefit from technology. E-licensing should be a norm rather than an option given time, and the CPD learning platform can also be e-friendly. The latter will be good for all as full time can be optimised for learning. We need to offer this as a choice to our trade members. It is often not the lack of good intentions, but rather difficult logistics of wanting to seal a deal and desiring to better oneself, having to be a mutually exclusive choice.

### RETURN

Return means reflection and enhancement. It is also time to show gratitude and be thankful for all that is done and dealt. To that end, there are many for me personally.

I would like to say how delighted I am to have Ms Ruby Hon as our CEO as from June of this year. I have worked with Ruby since I joined the EAA as chairman in 2008. We are privileged to have her at the EAA's helm, a calm, able, and experienced member of our management team for eight years. She is also an example of the internal talent growth for the EAA. I look forward to more to come from within the management team. The EAA management team is integral to the buoyancy of our functions. We are grateful for their commitment over the years.

For these six years, what made it pleasurable and at times of crisis, tenable, is the support and hard work of my Board members. I would like to thank Ms Elaine Liu, Chairman of the Disciplinary Committee; Ms Serena Lau, Chairman of the Licensing Committee and Section 28 Investigation Panel; Mr William Leung, Chairman of the Practice and Examination Committee; and Mr Ng King-wah, Chairman of the Professional Development Committee; for their tireless commitment. I am guided and remain constantly impressed with the wisdom and insight our Board members bring to the EAA.

With Professor Anthony Cheung, our Secretary for Transport and Housing, together with the Permanent Secretary for Transport and Housing (Housing), Mr Duncan Pescod and now Mr Stanley Ying and their respective teams, they have given me and the EAA wise counsel and support.

I am personally indebted to their support whenever I wish for advice.

So why a road less travelled? Well, the EAA has pioneered in many areas during these six years. We have ventured where we have not been, and have grown and thrived. May the EAA continue to do so in years to come.

**Vivien CHAN**

*Chairman*

p.s. Written on a flight from Auckland to Singapore on 12 August 2014, in keeping with the spirit of Alain de Botton.