

# 主席的話

## Chairman's Message



主席  
梁永祥太平紳士，BBS  
William LEUNG Wing-cheung, BBS, JP  
Chairman



“我們其中一個願景是支持地產代理業邁向專業，以獲取社會尊重。

One of our visions is to support the development of an estate agency profession worthy of the respect of the community.”



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自2004年11月起擔任地產代理監管局(「監管局」)的董事局成員後，我很榮幸於2014年11月接掌主席一職。這是我首次為監管局年報撰寫「主席的話」，很高興能夠與各位分享監管局在2014/15年度的表現，以及我對監管局的使命和想法。

有幸在監管局董事局服務超過10年，這些年，我曾擔任牌照及執業委員會主席、執業及考試委員會主席及監管局副主席。豐富廣泛的職務背景讓我了解到監管局及地產代理業界的運作。

憑藉過去多位主席的傑出表現，監管局已經饒有成就，亦為業界解決無數問題。在擔任主席的任期內，我冀盼能與業界緊密合作，攜手提升這個行業的專業水平。

### 業界面對百般挑戰

香港地產市場在2013/14年度經歷交易宗數和買賣合約總值大幅下跌後，2014/15年度有所反彈。然而，二手住宅市場經歷急挫後，令興旺的一手住宅市場轉為市場焦點。

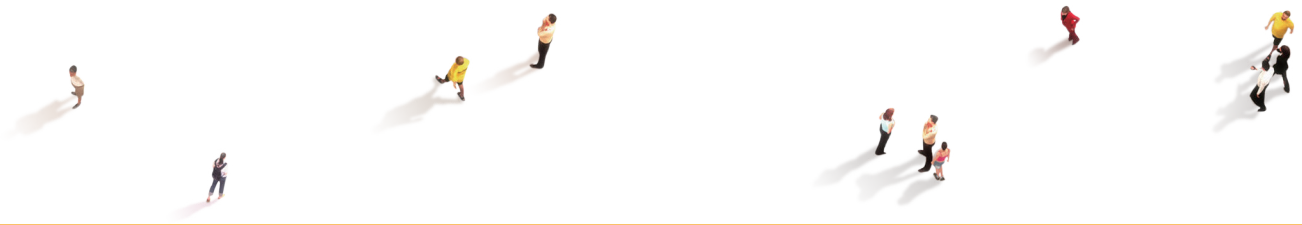
Having been a Board member of the Estate Agents Authority ("EAA") since November 2004, I was honoured to take up the Chairmanship in November 2014. This is my first Chairman's message for the EAA's Annual Report and I am delighted to be able to share with you the highlights of the EAA's performance in 2014/15 and my mission and thoughts for the EAA.

It is a privilege for me to have served on the EAA's Board for more than ten years. Over the years, I have been appointed as the Chairman of the former Licensing and Practice Committee, Chairman of the Practice and Examination Committee and the Vice-chairman of the EAA. Such an extensive affiliation enables me to understand how the EAA and the estate agency trade work.

Through the great jobs of the past chairmen, the EAA has accomplished a lot and solved a lot of issues for the trade. In my term of chairmanship, I look forward to working closely with the trade to enhance the professional standard of this industry.

### A Challenging Environment for the Trade

After the steep plunge in both the number of transactions and total consideration in 2013/14, the Hong Kong property market experienced a rebound in 2014/15. However, the focus of the market shifted to the thriving first-hand residential market as the second-hand residential market experienced the steepest dive.



根據政府統計數字顯示，於2013/14至2014/15年度期間，二手住宅市場雖然逐漸復甦，但交易宗數仍大幅低於前三個財政年度<sup>1</sup>。相反，2014/15年度的一手住宅銷售的交易宗數對比前四個財政年度則處於最高位<sup>2</sup>。這對業務集中在二手住宅市場的中小型地產代理公司影響最大，因應市況，不少中小型代理行轉而投身他們不熟悉的一手住宅市場。

為此，監管局必須採取迅速行動，確保地產代理推銷一手住宅物業時的行為合符標準。即使他們來自不同規模的代理行，也能遵從監管局所制定的指引。

同時，基於本年度的住宅市場聚焦一手，大眾更為關注業界的操守，對他們的服務水平也有較高期望。有見及此，監管局不僅需要加強規管業界，也要教育他們以提升其專業水平，為公眾提供優質的服務。

Although Government figures show the second-hand residential market slowly recovered in 2014/15 from 2013/14, the number of transactions was still much lower than those in the previous three financial years<sup>1</sup>. On the contrary, the transaction number of primary sales in 2014/15 reached the highest in comparison with the previous four financial years<sup>2</sup>. This situation affected the small-to-medium sized estate agency companies the most, as their businesses mainly focus on the secondary residential market. As a result, many of them shifted to participate in the first-hand residential market, which they were not familiar with.

Due to this shift, the EAA has to act swiftly to ensure that the conduct of estate agents in promoting first-hand residential properties is in order; and all the participating estate agents, no matter if they are from large or small agencies, can comply with all the guidelines set by the EAA.

At the same time, the spotlight in the first-hand residential market during the year also attracted much public attention and expectation on the trade's conduct and their services. The EAA, hence, not only needs to better regulate the trade but also educate them and enhance their professional standard so that they could provide the public with quality services.

1 二手住宅單位買賣合約總數為：2010/11年度119,393宗，2011/12年度62,493宗，2012/13年度65,858宗，2013/14年度33,476宗及2014/15年度52,782宗。(資料來源：土地註冊處)

2 一手住宅單位買賣合約總數為：2010/11年度11,984宗，2011/12年度11,870宗，2012/13年度12,997宗，2013/14年度11,717宗及2014/15年度17,005宗。(資料來源：土地註冊處)

1 The total number of agreements for sale and purchase of building units of second-hand residential buildings was 119,393 in 2010/11, 62,493 in 2011/12, 65,858 in 2012/13, 33,476 in 2013/14 and 52,782 in 2014/15. Source: Land Registry.

2 The total number of agreements for sale and purchase of building units of first-hand residential buildings was 11,984 in 2010/11, 11,870 in 2011/12, 12,997 in 2012/13, 11,717 in 2013/14 and 17,005 in 2014/15. Source: Land Registry.



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### 監管局的承諾

縱然面對重重挑戰及變動的市場環境，監管局仍會在規管地產代理業界的執業方面上時刻追求卓越，以保障消費者權益及推動地產代理專業發展，獲取社會認同。一直以來，監管局堅守承諾：

真誠為本  
公信為先

監管局對此銘記於心，並繼續於2014/15年度做好本份，履行職責。接下來我將詳加例子以闡明。

### 貫徹始終的執法者

監管局成立至今已有18年，職能為公平有效地執行《地產代理條例》及其附屬法例。

### The Promise of the EAA

Irrespective of the challenges or fluctuations in the market and society, the EAA always strives for excellence in regulating the practice of the estate agency trade, for the protection of consumers' interests; and supporting the development of an estate agency profession worthy of the respect of the community. Throughout the years, the EAA has kept its promise:


Integrity our Cornerstone  
Credibility our Priority

Bearing this in mind, the EAA continued to discharge its duties effectively in 2014/15. I will elaborate on the examples of such in the following paragraphs.

### *A consistent law enforcer*

The EAA has been established for 18 years. It is tasked to enforce the Estate Agents Ordinance ("EAO") and its subsidiary legislations fairly and effectively.





為採取適當及一致的執法措施，監管局於本年度採納了多種機制，向各方面收集當前問題的情報，以防止違規和不當行為。

2014/15年度，監管局透過近3,000次的巡查，藉機會向業界展開宣傳教育工作，確保他們熟悉相關的法例和指引。

正因監管局尤其關注地產代理在銷售一手住宅物業時的行為操守，我們固然竭力監察並確保他們遵從法例和指引。如前所述，許多中小型地產代理公司對於銷售一手住宅項目並不熟悉，故監管局為此舉辦了多場關於一手銷售之講座，務求令他們了解監管局的相關指引。

期末，監管局正研究要求參與一手住宅物業銷售的持牌人，如其本人就相關物業遞交購樓意向登記時須作出申報，藉此增加一手銷售交易的透明度，讓消費者在作出購買決定之前，獲取更多資訊。監管局已於2015年年中發出有關的新執業通告。

### **提升業界的執業水平**

監管局除執行《地產代理條例》，也不時審視業界的執業狀況，並發出相關執業通告，為業界提供指引遵循。在2014/15年度，監管局共發出四份執業通告，其中一份題為「持牌地產代理有效地控制其地產代理業務的責任」。

To facilitate timely and consistent enforcement measures, the EAA adopted various mechanisms during the year for intelligence on prevailing issues from all fronts to deter any possible breaches and malpractices.

Through nearly 3,000 compliance checks in 2014/15, the EAA also took the opportunity to carry out its advocacy work with the trade, ensuring that they were conversant with the laws and guidelines.

In particular, as we are concerned about the conduct of estate agents when promoting first-hand residential properties, we have devoted much effort on monitoring and ensuring their compliance. As mentioned above, many of the small-to-medium sized estate agency companies shifted to participate in first-sale, which they were not familiar with, seminars on first-sales were thus organised to familiarise these companies with the EAA's guidelines on the subject.

In fact, in the closing of 2014/15, the EAA was also studying on requiring licensees who are involved in the sales of first-hand residential properties and who at the same time submit registration of intent for purchasing such properties themselves, to make a declaration, with a view to enhancing the transparency of first-sale transactions and providing more information for consumers to consider before making their purchase decision. The related new Practice Circular was issued later in mid-2015.

### ***Elevating the trade's practice standard***

Apart from enforcing the EAO, the EAA reviews the trade's practice from time to time and issues related practice circulars to provide guidelines for the trade to follow. In 2014/15, four practice circulars were issued. Amongst them was a practice circular on "Duties of Licensed Estate Agents in Ensuring Effective Control of Estate Agency Business".

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此執業通告旨在鼓勵業界對其僱員實施有效的管治措施。基於少數不負責任的持牌人或地產代理公司所影響，導致業界形象不時受損。這些不負責任的行為讓公眾無法接受，並拖垮業界的專業水平和社會地位。這份執業通告列明應有的標準，我期望能藉此向業界重申良好執業的重要性，更令潛在的違規者更認真地管制其員工的執業。

監管局的持續專業進修計劃亦繼續提升地產代理從業員的專業水平，並於2014/15年度引入多項新措施。此等措施將吸引更多從業員參與持續專業進修計劃，以提高其執業水平。

This Practice Circular aims to encourage the trade to implement effective governance measures on the employees of their companies. From time to time, the trade's image was tarnished by a handful of irresponsible licensees or estate agency companies. Their irresponsible acts resulting in behaviours unacceptable by the public dragged down the trade's professionalism and social standing. I hope that the issuance of this particular Circular, which specifies expected standards, can reiterate the importance of good practices and cause the potential offenders to be more serious about their control on practices of their employees.

The EAA's Continuing Professional Development ("CPD") Scheme has also continued to enhance the professional standard of estate agency practitioners and introduced a number of new initiatives in 2014/15. These initiatives will attract more practitioners to participate in the CPD Scheme and enhance their level of practice standard.



我們為提升業界表現所付出的努力是有回報的。近年，監管局接獲的投訴個案數目穩步下降。於2014/15年度接獲的投訴比2013/14年度減少24%；同樣，本年度進行的紀律研訊個案也有所減少。在常見的違規性質中，未有與客戶訂立地產代理協議的個案數目顯著下降，情況令人鼓舞。監管局致力不斷向業界和公眾灌輸此方面的教育，這也正是地產代理們的基本責任和對消費者的保障。

### **教育及保障公眾**

憑藉業界和監管局雙方努力不懈，業界水平已有顯著改善。話雖如此，我們的首要任務仍然是教育公眾及向他們推廣有用的知識，以提防不當行為。我們相信提高他們對物業市場及相關方面的意識及知識，是最能夠有效保障消費者的方法之一。

年內，監管局為公眾製作了不少教材，包括小冊子和短片；也透過參與多場講座及舉辦展覽，深入社區。監管局亦不時透過大眾傳媒，向公眾帶出社會關注議題的重要資訊。

為向消費者帶出物業交易的有用資訊，監管局在2014/15年度向所有香港地產代理商舖派發「消費者教育套裝」，以協助業界向客戶提供有關物業交易的有用資訊，例如提醒他們要簽訂地產代理協議及進行土地查冊的重要性。

### **與業界共同成長**

監管局不僅是一個單向的規管者，在提升業界社會地位的層面上，也是地產代理業界的持續夥伴。我們其中一個願景是支持地產代理業邁向專業，以獲取社會尊重。然而，這並非監管局可獨力達成，也需要業界的認同和參與。

Our effort in elevating the trade's performance has paid off. The number of complaints the EAA has received in recent years has been in a steady decline. In 2014/15, the number of complaints received dropped 24% compared to 2013/14. Correspondingly, the number of inquiry hearings conducted in the year also decreased. Among the common types of non-compliances, the number of failure to enter into an estate agency agreement with clients has dropped significantly. It is encouraging as the EAA has worked hard in educating the trade and the public on this subject and it is, after all, a basic responsibility of an estate agent and protection for consumers.

### **Educating and protecting the public**

The standard of the trade has notably improved, owing to the hard work of both the trade and the EAA. That said, educating the public with useful knowledge to guard against any malpractices remains our all-time priority. We believe that one of the most effective ways of protecting consumers is to raise their awareness and knowledge of the property market and the related issues.

In the year, the EAA has produced a number of educational materials for the public including a booklet and videos. We have also participated in talks and organised exhibitions to reach out to the community. Through the mass media, the EAA publicised numerous important messages to the public on various timely topics and issues.

With a view to conveying useful information about property transactions to consumers, the EAA sent a "Consumer Education Package" to all estate agency shops in Hong Kong in 2014/15. The Package facilitated the trade to deliver useful information about property transactions to their clients, such as the importance of signing the estate agency agreement and conducting a land search.

### **Growing alongside the trade**

The EAA is not only a one-way regulator but also a constant partner of the estate agency trade, especially on the road of upgrading the social status of the trade. One of our visions is to support the development of an estate agency profession worthy of the respect of the community. It could not be accomplished solely by the work of the EAA but needs the trade's recognition and participation.





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合作的關鍵在於與業界進行對話和溝通。我在監管局董事局服務多年，與業界會面的次數多不勝數，彼此進行有意義的對話。在2014/15年度，業界及監管局的管理層也定期舉行會議，透過會見主要業界商會、前線持牌人和地產代理公司管理層，共同討論關注的議題，監管局收集有關業界執業的有用資訊，以制定切實可行的政策。

### 拓展視野

時間不會停留。面對公眾的期望不斷提高，加上消費者權益至為重要的大趨勢下，業界專業化更為重要，並應更盡心盡力提升地產代理的形象。前路雖然漫長但光明，監管局和業界都應該拓闊視野，放眼未來。

為此，本年度實施新的持續專業進修計劃鼓勵措施後，我們鼓勵持牌人更應該積極參與。地產代理公司也應致力建立一個有效的制度，確保其員工遵循有關法例。今後，監管局的使命是將繼續提高業界的專業水平。

作為新任的監管局主席，我希望與業界分享我的座右銘。

誠信才是上策，猶如監管局的承諾「真誠為本，公信為先」，我希望持牌人在面對客戶時，時刻銘記「老老實實」和「公公道道」的重要性，並以長遠發展地產代理事業及與客戶維持長久關係作為目標。

所謂「得之艱難失之易」，經過監管局和業界在過去18年付出的努力，我期望看到更多地產代理從業員珍惜自己的事業及守法循規。任何不理智的不當行為均會損害業界建立的形象和聲譽，與及業界和監管局努力經營的成果。

Dialogue and communication with the trade is the key to collaborative effort. In the years of serving on the EAA's Board, I have had numerous opportunities to meet the trade and have meaningful conversations with them. So has the EAA's management as there were regular meetings with major trade associations, frontline licensees and agencies management throughout 2014/15. Issues of mutual concern were discussed and useful information on the trade's practice was collected for the EAA to formulate practicable policies.

### Beyond the Horizon

Time never waits. Rising public expectations and growing awareness of consumers' rights are an irreversible trend. With the consumers' interests at the forefront, professionalism is important for the trade and more effort should be devoted to improving the image of estate agents. It is a long but promising road. Both the EAA and the trade should look beyond the horizon.

To this end, licensees are encouraged to participate more in the CPD Scheme, particularly after the new incentive measures introduced during the year. Estate agency companies should also work hard on setting up an effective system to ensure their staff compliance with the law. In the future, the EAA will continue to raise the professional competence of the trade, as it forms a fundamental part of our mission.

Being the new EAA Chairman, I would like to share my motto with the trade.

Honesty is the best policy. Similar to the EAA's promise, "Integrity our Cornerstone, Credibility our Priority", I hope that licensees always remember the importance of honesty (老老實實) and equity (公公道道) when dealing with their clients and always aim at a long-term estate agency career and lasting relationships with clients.

A man may lose more in an hour than he can get in seven. After all the effort of the EAA and the trade in the past 18 years, I wish to see more estate agency practitioners cherish their career in this profession and play by the rules. Any unwise misconduct will tarnish the image and the reputation of the trade which many trade members and the EAA have worked hard for.



## 由衷感謝 熱切歡迎

我們的成果是由董事局成員、監管局行政部門和業界諸位努力不懈而共同建立。首先，我衷心感謝前任監管局主席陳韻雲女士在過去六年的寶貴付出。憑藉她豐富的經驗和廣博的知識，為監管局建樹良多。此外，我由衷感謝各董事局成員，包括各委員會及小組主席：紀律委員會主席廖玉玲女士、牌照委員會主席劉振江測量師、執業及考試委員會主席張國鈞先生、專業發展委員會主席余惠偉先生，以及第28條調查小組主席陳超國先生。監管局也同時獲得運輸及房屋局局長張炳良教授及其團隊的鼎力支持和寶貴意見。

我在此歡迎監管局董事局的新成員，包括羅孔君女士、蕭澤宇先生、謝順禮先生、徐若婷女士、汪敦敬先生、黃光耀先生及余雅芳女士。

有幸得到行政總裁韓婉萍女士及其帶領的優秀管理團隊合作，全力以赴。團隊成員包括規管及法律總監劉淑葵女士、執行總監方安妮女士及新任服務總監張秀成先生。

藉此，我再一次衷心感謝他們過去一年的不懈支持。透過與業界的持續夥伴關係，我期待將來可實現一個更專業化的業界。

梁永祥太平紳士，BBS  
主席

## Warmest Gratitude and Welcome

Our work is the result of the joint effort of my fellow Board members, the EAA Administration and the trade. First of all, I would like to thank the immediate former EAA Chairman, Ms Vivien Chan, for her invaluable services and wisdom contributed to the EAA in the previous six years. My heartfelt thanks also go to my fellow Board members, including the chairmen of each committee and panel: Ms Elaine LIU Yuk-ling, Chairman of the Disciplinary Committee; Sr LAU Chun-kong, Chairman of the Licensing Committee; Mr Horace CHEUNG Kwok-kwan, Chairman of the Practice and Examination Committee; Mr YU Wai-wai, Chairman of the Professional Development Committee; and Mr Charles CHAN Chiu-kwok, Chairman of Section 28 Investigation Panel. The EAA has also received a lot of support and guidance from Professor Anthony Cheung Bing-leung, Secretary for Transport and Housing, and his team.

I welcome our new members to the EAA Board, including Ms Jane Curzon LO, Mr Simon SIU Chak-yu, Mr Calvin TSE Shun-lai, Ms Maggie TSUI Yeuk-ting, Mr Lawrance WONG Dun-king, Mr Ricky WONG Kwong-yiu and Ms Avon YUE Nga-fong.

I am blessed to have the dedicated work of an outstanding management team, including Ms Eva LAU, Director of Regulatory Affairs and General Counsel, Ms Annie FONDA, Director of Operations, and Mr Cavan CHEUNG, the newly on-board Director of Services, who are ably led by Ms Ruby HON, our Chief Executive Officer.

May I take this opportunity to thank the above all once again for their tireless support over the past year, and I look forward to shaping the professionalism of the trade through our continued partnership in the near future.

William LEUNG Wing-cheung, BBS, JP  
Chairman