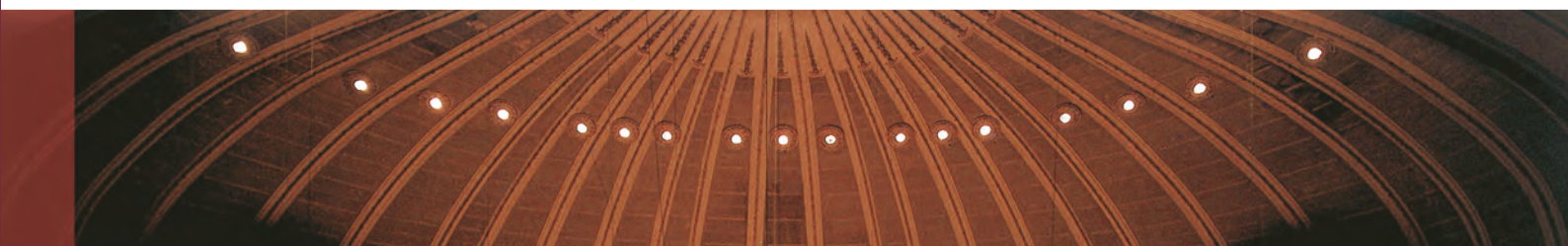




*Annual Report 2011/12*



# 地產代理監管局簡介

## About us

地產代理監管局(監管局)是於1997年11月根據《地產代理條例》而成立的法定機構，主要職能包括規管香港地產代理業界的執業；推動業界行事持正；以及鼓勵行業培訓，確保從業員達到專業水平，符合道德操守。

監管局舉辦資格考試、審批個人和公司牌照、處理對從業員的投訴、執行巡查工作，以及對違反《地產代理條例》的地產代理從業員施行紀律處分。監管局亦為業界舉辦專業發展活動，並推動消費者教育。

監管局是財政自給的機構。監管局成員由香港特別行政區行政長官委任，設有正、副主席各一名及普通成員十八名。成員來自社會多個界別，包括地產代理行業。

The Estate Agents Authority (EAA) is a statutory body, established in November 1997 under the Estate Agents Ordinance (EAO). Its principal functions are to regulate the practice of the estate agency trade in Hong Kong, promote integrity and competence within the industry, and facilitate training for practitioners to ensure competency and a proper standard of conduct.

The EAA organises qualifying examinations, issues licences to individuals and companies, handles complaints against licensees, conducts compliance inspections and metes out disciplinary sanctions to practitioners who have breached the EAO. The EAA also organises activities for the professional development of the trade and promotion of consumer education.

The EAA is a self-financing body. Its Members are appointed by the Chief Executive of the Hong Kong Special Administrative Region (HKSAR) and consist of a Chairman, a Vice-chairman, and 18 ordinary members from various sectors in the community, including the estate agency sector.

## 抱負 Vision

監管局將致力於

- 成為盡責、公正、靈活應變和有效的監管機構
- 確保從業員依法執業，推動業界以誠為本、以信為先
- 提升業界的專業水平和能力

The EAA will strive to

- be a responsible, impartial, responsive and effective regulator
- ensure practitioners abide by the law and to promote a high standard of integrity and probity in the trade
- promote a high degree of professionalism and competence in the trade

## 使命 Mission

規管香港地產代理業的執業，提升從業員的專業能力，並為業界訂立高的道德和操守水平。

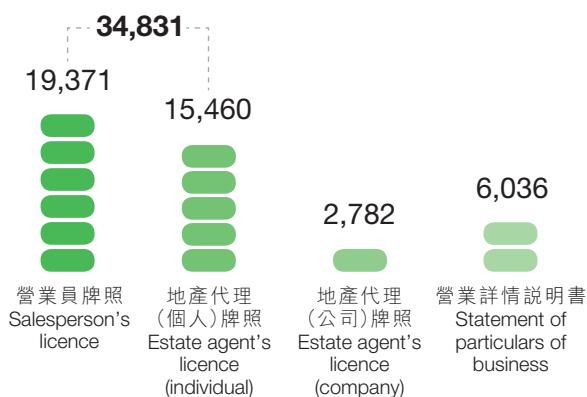
To regulate the practice of the estate agency trade in Hong Kong, raise the competence of practitioners and set high standards of ethics and conduct befitting the trade

# 主要統計數字一覽

## Key figures at a glance

### 牌照和營業詳情說明書數目(於2012年3月31日計算) Number of licences and statements of particulars of business as at 31/3/2012

個人牌照總數  
Total number of individual licences



### 考生人數(2011/12年度) Number of examination candidates (2011/12)

總數  
Total

18,258



### 投訴個案(2011/12年度) Number of complaint cases (2011/12)

498 ■ 接獲的個案 Received  
538 ■ 已完成的個案\* Completed\*

總數  
Total  
1,036



- \* 部分是往年接獲的個案，當中包括表面證據成立並轉介予紀律委員會處理的個案，以及表面證據不成立而由行動部處理的個案。
- \* Some cases completed in a year were brought forward from previous years. The figures include prima facie cases referred to and dealt with by the Disciplinary Committee and non-prima facie cases disposed of by the Operations Division.

### 巡查次數(2011/12年度) Number of compliance inspections (2011/12)

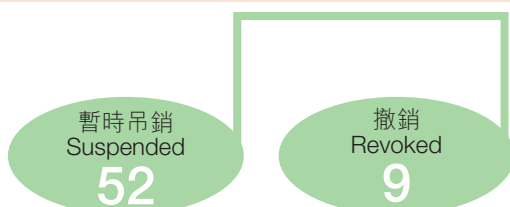
1,100 ■ 一手樓盤\* At first sale sites\*  
1,282 ■ 地產代理商舖 At estate agency shops  
579 ■ 網上物業廣告 Online advertisements

總數  
Total  
2,961

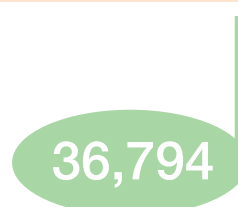


- \* 包括樓盤所在處、樓盤銷售處及其附近。
- \* Include the development sites, sales offices and vicinity areas.

### 被暫時吊銷/撤銷的牌照數目(2011/12年度) Number of licences suspended/revoked (2011/12)



### 持續專業進修活動的參與人次(2011/12年度) Number of enrolments in Continuing Professional Development activities (2011/12)



# 主席報告



# Chairman's message



主席  
陳韻雲，BBS，JP  
Vivien Chan, BBS, JP  
Chairman

過去12個月，地產代理監管局在履行規管職能及倡議者的角色上，均取得明顯進展。

### 邁向培育更精明的置業人士；以世界級軟件鞏固香港國際金融中心地位

隨着一手及二手住宅物業統一採用「實用面積」，置業人士在思考這項可能是人生中最重要投資決定時，可以作出明智的判斷。這對購買未落成住宅物業的買家而言更為重要。經過適當立法規管哪些重要資料必須及如何提供給有意置業人士，每個香港發展商都成為一個「老實人」。監管局亦率先要求持牌人在進行二手住宅物業銷售時採用實用面積，令一手及二手住宅物業銷售準則一致。從此混亂不會出現，否則可能會有兩個「不同的市場」。一手及二手住宅物業銷售的呎價計算基準是不應有異的。

為本地物業銷售建立一個清晰一致的系統，對維持香港在世界舞台上的頂尖地位尤為重要。香港物業市場已非本地買家的專利，國際投資者視我們的物業市場如其他世界大城市一樣。我們穩健而發展完善的市場，加上法治及相對低的稅制支持，吸引了他們來投資。因此，我們在關注低收入人士的置業門檻之時，亦要維持開放自由的物業市場。

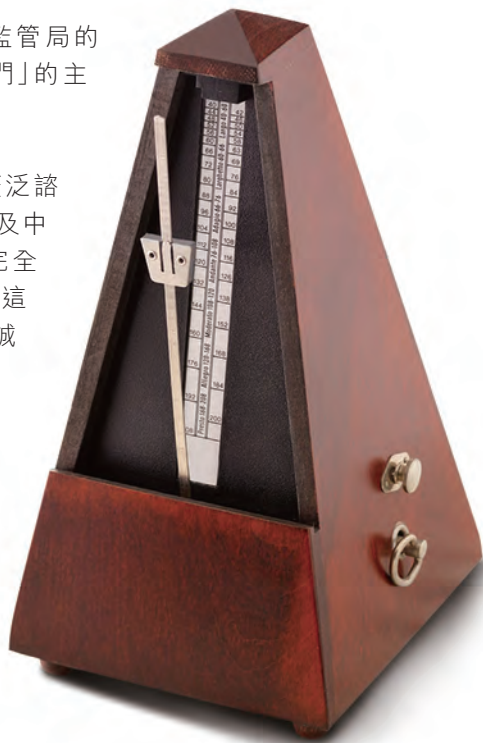
### 邁向建立一個直率機敏的持牌人人才庫

不論持牌人是初出茅廬抑或識途老馬，我們都致力培訓和指導。監管局的職能不單是堅守執行「適當人選」的準則，就着有需要關注及「熱門」的主題，更適時舉辦內容豐富的自願性持續專業進修課程。

把持續專業進修計劃轉為強制性是本局的關鍵工作目標之一。在廣泛諮詢業界之餘，還須通過立法程序。把計劃轉為強制性，對業界大型及中小型代理行所產生的影響將有所不同。有時，最終的影響是無法完全掌握的，直至舉辦這類課程的開支和上課的時間成為營運成本，而這些時間本可另創收入的。因此，在諮詢業界期間，我們必須作出真誠及全面的交流，一旦立法後便無法倒退了。

### 邁向更廣泛的受眾及更廣潤的市場

在與中房學(中國房地產估價師與房地產經紀人學會)合辦的資格互認計劃下，首批成功合格持牌人將於2012年秋季獲得確認。我們正就來期的計劃展開初步討論。此計劃不但開拓了新市場，更重要是透視了如何在內地市場處理及完成交易。雖然許多大型地產代理已在內地設立分行，但對於一般規模的持牌代理來說，此計劃使他們的執業合法化，代表了一個長遠的法律地位。



## Chairman's message

These twelve months have seen enormous progress in EAA's work; both in terms of our regulatory, as well as our advocacy role.

### **Towards a better equipped home buyer; a first world software to entrench Hong Kong as an international financial centre**

With the unifying of the use of "saleable area" for both first and second hand residential properties, the home buyer is now better placed to make an informed judgment when they are contemplating what could be their most important investment decision. It is especially true for home buyers of residences off a plan. With proper legislative control of what should and how such crucial information has to be communicated to an interested buyer, it makes an "honest man" out of every Hong Kong developer. The EAA pioneered the mandatory use by our licensees of saleable area in second hand home sales. This creates a uniform sales guide for both first and second hand sales. No confusion can be said to exist, there may otherwise be "two distinct markets". First and second hand sales should not carry different bench marking for price per square foot.

A transparent and consistent system of what is being sold in domestic premises is important to sustain us in the first world arena. The Hong Kong property market is no longer the sole precinct of local home buyers. International investors perceive our property market as they would of other major world cities. They come to invest in what they see as a safe and properly developed market; shored up by our rule of law and a relatively low tax regime. Whilst we need to address the entry level housing for our less privileged; we also need to maintain a free and open property market for this purpose.

### **Towards a forthright and astute licensees talent pool**

We train and coach, from cradle to retirement. The EAA sees its role in as much as holding the fort as to the "fit and proper" criteria, to running informative and timely voluntary CPD courses on what is "hot" and necessary to stay in tune.

The issue of making CPD a mandatory requirement is one of our KPIs. We need to go through the legislative process after thorough consultation with the trade. Making CPD mandatory will mean different and differing consequences for an SME and the larger trade players. Sometimes, the eventual impact is never fully appreciated until such courses, and its attendance, become an operating expense and also time which could otherwise be revenue generating. Full and honest exchanges will need to take place at such trade consultations. Once the mandatory requirement becomes law, there cannot be any U-turn as such.



### 監管局如何竭盡所能？

#### 推銷員

促進持牌人的專業地位是我們的使命，更可藉此提升他們邁向長遠事業目標的能力。希望他們會認同我們的價值觀，並視我們這個必須的規管者角色為其資產。

#### 教師

無可否認，我們傳授道理。透過不時發出的執業通告、教育活動、推動優質執業及誠信管理計劃，我們為消費者及業界領航。

在千變萬化的市場環境及消費者需求下，我們應繼續成為權威和智庫，不時指出正確的方向和重點。

#### 把關者

發牌及規管，是我們的法定職能。而且，我們兢兢業業、竭盡所能，確保維持既定標準。在我們的工作中，維護公眾利益是我們最重要的目標。

#### 消防員

類似「The Icon」事件及近來發現的內地網站事件，快速果斷的行動是必須的。由此可見，追求高度的應變能力是不容置疑的。



## Chairman's message

### Towards a wider audience and an even wider market for our licensees

The first batch of our successful licensees under the mutual recognition scheme with CIREA (China Institute of Real Estate Appraisers and Agents) will be given their recognition in the fall of 2012. We are in preliminary discussions as to our ongoing phases. This scheme opens up a new market; and more importantly, exposure of how to “deal and seal” in the Mainland market. Although many larger agencies have already set up shops in the Mainland, for the average-sized licensees, this legitimizes their respective standing. It represents a long-term *locus standi*.

### How has EAA done our best?

#### *The Salesman*

It is very much our mission to promote the professional standing of our licensees. By so doing, we are also enhancing their ability to further their long-term career objectives. We hope they will buy into our values, and recognize our necessary regulatory role as an asset.

#### *The Teacher*

Obviously, we preach. To the consumer and the trade, we lead and set the direction with our regular practice circulars, educational campaigns, best practice initiatives and integrity management programmes.

We should remain a resource and an authority on what is right, and what should be the focus from time to time; against constantly changing market conditions and consumer needs.

#### *The Gatekeeper*

Our licensing and regulatory role is enshrined by statute. More so, we are conscientious and exercise utmost diligence in ensuring our exacting standards are maintained. Public interest is paramount in our goals.

#### *The Fireman*

The likes of “the Icon” and the recent sightings of Mainland online websites will require swift and resolute action. The alacrity with which we need to pursue and enforce is unnegotiable.

## 主席報告

### 精打細算的理財者

最近，參與資格考試的人數大幅減少了四成。房地產價格雖然持續上揚，但部分市場卻呈現低成交額。此趨勢令人擔憂，亦提醒我們在增加人手以優化服務的同時，也必須與節約理財取得平衡。牌費是我們主要的收入來源，所以新入行人數下跌絕非財務穩健的良好指標。

### 領導者

對業界來說，我們是「何時、何地及如何」執行政府政策的指南針，因此，我們必須時刻了解及配合政府的各項措施。對此，業界實有賴我們作為領導者，以助其遵守法規要求。

### 邁向15周年

今年我們慶祝監管局成立15周年。我為我們的管理層感到自豪，有賴他們致力工作，我們才可享有今天的成果。當然，我要感謝董事局，他們的願景和決心令我們更上一層樓。

在此特別鳴謝前運輸及房屋局局長鄭汝樺女士，GBS，JP在任內對我們工作的支持。董事局和我熱烈歡迎新上任的運輸及房屋局局長張炳良教授，GBS，JP。我們十分期待與張教授共事，並祝願他工作順利和愉快。

主席

陳韻雲，BBS，JP



## Chairman's message

### *The Bean Counter*

We have recently seen a sudden drastic drop of 40% of examination candidates. The real estate market, whilst turning in continued escalating prices, shows low transaction numbers in certain sectors. This worrying trend serves as a reminder that we need to be frugal in our financing, whilst balancing the need to upgrade and increase our human resource to better service our aims. Our main source of income is our licensing revenue. Declining entrants' numbers into the trade is not a good precursor of financial health.

### *The Guru*

We must see to it we interpret and complement government measures from time to time. We are the compass guide to the trade of "How and When and Where" of these policies. To this end, the trade do look to us to be the initiator and the sage in staying within the parameters of the law.

### **Towards our 15<sup>th</sup> birthday**

This year we celebrate our 15<sup>th</sup> birthday. I am proud of our management for their dedication and their hard work for taking our mission to the success we enjoy today. Of course, I thank the Board for their shared vision and determination to further our good cause.

I would especially like to pay tribute to Ms Eva Cheng, GBS, JP, our former Secretary for Transport and Housing, for her support for our work during her tenure. The Board and I warmly welcome Professor Anthony Cheung Bing-leung, GBS, JP, our new Secretary for Transport and Housing. We look forward very much to working with Professor Cheung. The Board joins me in our warm wishes to Professor Cheung for many happy years in his new post.

**Vivien Chan, BBS, JP**

*Chairman*



# Report of the Chief Executive Officer



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

這是我作為地產代理監管局(「監管局」)行政總裁呈遞的第三份、亦是最後一份報告。

## 2011/12年度的社會經濟環境

2011/12年度，樓市面臨重重挑戰。年初，市場表現暢旺，價格一度上升，加上投機活動日增，令樓價持續高企。有見及此，政府於2011年6月推出額外印花稅。措施令投機者卻步，再加上國際金融市場的不明朗因素，香港樓市於2011/12下半年持續降溫。本年度的成交量說明了此現象。2010/11年度的樓宇買賣合約數目為131,377宗，與之相比，2011/12年度只有74,363宗。2011/12年度初，每月成交量由徘徊7,000宗上升至超過9,000宗，然後於2012年1月及2月逐漸下跌至4,000宗以下。雖然成交量於3月突然回升至超過11,000宗，有助提升本財政年度的總成交量，但2011/12年度的整體成交量仍較上年度下跌43%。成交量下跌直接影響地產代理業務，而監管局主辦的資格考試，應考人數亦因而減少。

另一個值得注意而且對樓市有長遠影響的因素，是政府有意透過立法規管一手住宅物業的交易。迄今，一手樓盤的銷售已引起傳媒及立法機關相當多的批評。由於現時地產代理在一手物業的宣傳上扮演非常重要的角色，該擬定法例將直接影響他們將來的營運方式。

## 持牌人數目

2012年3月底，個人牌照數目為34,831人，與上年度相比，增幅為8.9%。公司牌照數目亦創紀錄新高，總數為2,782，較上年度增加10.7%。營業詳情說明書數目為6,036，較上年度增加6.7%。

由於持牌人數目不斷上升，監管局行政部門的工作量大增。為了應付龐大的工作量，截至2012年3月底，監管局行政部門的職員編製數目已增至91.5\*，代表人力資源增長了3.4%。

## 監管局的規管工作

### 資格考試

監管局的規管制度始於設立資格考試。年內，監管局為有意考取地產代理牌照及營業員牌照的人士分別舉辦四次及六次資格考試。報考地產代理資格考試及營業員資格考試的人數分別為7,735人及12,055人。兩者於2010/11年度的數字分別為9,221及13,036。本年度地產代理資格考試及營業員資格考試的平均及格率分別為39.6%及43.6%。考試由監管局行政部門制定，試題範圍包括《地產代理條例》(《條例》)及其附屬法例、監管局不時發出的執業通告及指引，和其他與物業交易相關的事宜。考試特別強調測試考生面對誠信問題和利益衝突時，能否保持警覺性。考試具有一定的難度，以確保獲發牌照的人士擁有必須的知識，然後才投身地產代理工作。

通過資格考試是獲發牌照的先決條件，但卻不是唯一的要求。

\* 兩名半職員工相等於一個全職員工



# Report of the Chief Executive Officer

This is the third and final report I submit as the CEO of the Estate Agents Authority (EAA).

## Socio-economic environment in 2011/12

The year 2011/12 has been a challenging year for the property market. Earlier in the year, the market was buoyant, and prices had been on the rise. With an increase in speculative activities, which has resulted in ever-increasing property prices, the government introduced the Special Stamp Duty in June 2011. It created a dampening effect on speculators. Together with the uncertainties in the global financial markets, the property market in Hong Kong experienced a gradual cooling down in the second half of 2011/12. This observation is supported by the number of transactions in the year. The number of agreements for sale and purchase of residential building units in 2011/12 is 74,363, as compared to 131,377 in 2010/11. The year 2011/12 started off with a monthly transaction of between 7,000 to more than 9,000, and gradually tapered off to less than 4,000 by January and February 2012. The number then rose phenomenally to more than 11,000 in March which helps raise the total number of transactions in the financial year. However the number of transaction in 2011/12 is still 43% lower than that in 2010/11. The drop in transaction has a direct impact on the business of estate agencies, which has also created a dampening effect on the number of people taking part in the qualifying examinations administered by the EAA.

Another noteworthy factor which has long-term impact on the property market is the government's intention of regulating the first hand residential property transactions via legislation. Hitherto, the sale of first hand residential properties has attracted considerable criticism from the media and legislature. As estate agents now play a very important role in the promotion of first hand properties, the proposed legislation will have a direct impact on the way agents conduct their business in future.

## Numbers of licensees

The number of individual licensees stood at 34,831 as at the end of March 2012. This represents a year-on-year increase of 8.9%. The number of company licences also reached a record high of 2,782, an increase of 10.7% as compared to end of March 2011. The number of statement of particulars of business (SPOBs) stood at 6,036, an increase of 6.7% year-on-year.

With the continuous increase in the number of licensees, the workload of the EAA Administration has increased substantially. In order to cope with increase in workload, the number of staff establishment of the EAA Administration has increased to 91.5\*, as at end of March 2012. This represents a growth in manpower of 3.4%.

\* 2 half-time officers are equivalent to 1 full-time officer

## 發牌考慮

根據《條例》，所有人士必須達到《條例》第19、20及21條所訂定的要求，才可獲發牌照。此外，獲發牌照後，持牌人仍須於續牌時就特定事項作出聲明。監管局亦會主動抽查持牌人的犯罪紀錄，以驗證持牌人所提供的資料的準確性。任何人被發現並非持牌的「適當人選」，將不能獲發牌照。年內，本局以不同原因拒絕了195宗牌照申請。

## 執行巡查

監管局行政部門的行動部是本局的執法部門。年內，該部門巡查了1,282間地產代理商舖，以確定代理商及其員工遵守規定程序，並就其執業情況及監管局推行的新措施等相關事宜上教育持牌人。針對年內幾項有關房屋的問題，如「劏房」、違例建築工程及工商業大廈擅改作住宅用途等，行動部同事特別「主題式巡查」受影響地區，並提醒從業員應加倍留意這些不當使用土地／物業會對客戶構成風險。我們全年進行了36次「主題式巡查」，涉及505間商舖。隨着網絡宣傳和推廣的普及化，監管局亦透過網絡巡查確保持牌人符合法規。年內，共進行了579次網絡巡查，並查出94宗涉嫌違規個案，大部分指控為失實或誤導性的樓盤廣告或標價、未有簽訂地產代理協議及填妥訂明表格等。

一手樓盤銷售仍是大型地產代理商的主要業務，其銷售秩序更引來公眾及傳媒一定程度的注意。年內，行動部同事對一手樓盤銷售處進行了1,100次巡查，並進一步調查其中七宗個案。其實，一手樓盤銷售的問題不只限於銷售秩序，其他投訴原因包括提供誤導性的按揭資訊及拒絕向買家支付已承諾的回扣。

## 處理投訴

處理投訴是監管局每日的基本工作。2011/12年度，我們收到共7,412宗公眾查詢及498宗投訴。查詢數目較上一個財政年度下降18%，投訴量亦下降24%。投訴性質大致相同，通常為未有妥善處理或解釋臨時買賣合約的失當，及提供失實或誤導性的物業資訊。

## 紀律行動

2011/12年度，紀律委員會判定279宗紀律研訊個案，其中267宗指稱成立。年內，紀律委員會接獲的案件數目比上年度(224宗)大幅增加，但成立率則相若。

共278名持牌人受到紀律處分(2010/11年度為222名)，其中223名為個人持牌人，55名為公司持牌人。

## 監管局的工作重點

### 監管局參與促進政府規管一手住宅物業銷售

鑑於一手住宅物業價格不斷上升，業內的執業手法又引來公眾相當多的批評，運輸及房屋局(運房局)於是發起討論，研究如何規管一手住宅物業的銷售及宣傳活動。一個由不同界別人士組成的督導小組正式成立。該小組及其附屬委員會的成員中，有監管局行政部門的高級行政人員，他們不但代表我們提出意見，更分享有關一手樓盤銷售處的執法工作與經驗，以及常見的違規行為。督導小組完成審議後，運房局發表了一份諮詢文件，徵詢公眾的意見。監管局亦遞交了意見，大致同意透過立法規管一手住宅物業市場。由於草案已進入立法程序，監管局會密切注意其發展，確保及時向持牌人提供適當建議，滿足法規要求。





# Report of the Chief Executive Officer

## EAA's regulatory work

### *Qualifying examinations*

EAA's regulatory regime starts with the setting of the qualifying examinations. In the year, a total of four and six qualifying examinations were organized for those interested in obtaining an estate agent's and salesperson's licence respectively. A total of 7,735 candidates registered for the estate agents qualifying examination while 12,055 for the salespersons qualifying examinations. The corresponding figures for 2010/11 are 9,221 and 13,036. The average passing rates are 39.6% and 43.6% for the estate agents and salespersons qualifying examinations respectively. The EAA Administration, in setting the examination, incorporated questions relating to the Estate Agents Ordinance (EAO) and its subsidiary legislation, the practice circulars and guidelines issued by the EAA from time to time, and other related matters in property transactions. Particular emphasis has been paid to test the alertness of candidates to issues relating to integrity and conflict of interest situation. The level of difficulty is maintained at a suitable level, so as to ensure those who eventually obtain a licence possess the necessary knowledge to undertake estate agency work.

Passing the examination is a pre-requisite to obtaining a licence, but it is by no means the only hurdle.

### *Licensing considerations*

According to the EAO, an individual who wishes to obtain a licence must fulfil certain requirements, as stipulated in sections 19, 20 and 21 of the EAO. Besides, even if a person has obtained a licence, he must, on renewal of his licence, declare certain facts. The EAA also proactively checks the criminal records of licence applicants, on a random basis, to verify the accuracy of information provided by them. If a person is found to be not a "fit and proper" person, his licence may not be issued. In the year, 195 licence applications were rejected for various reasons.

### *Compliance checks*

The Operations Division of the EAA Administration is the law enforcement arm of the Authority. In the year, 1,282 shop visits were conducted. These visits aim at checking whether agencies and their employees follow the prescribed procedures, educating licensees on issues relating to their practice and new measures introduced by the EAA. In view of various housing-related problems in the year, such as sub-divided cubicles, unauthorized building works and the improper use of industrial or commercial buildings for residential purpose, staff of the Operations Division paid special "thematic visits" to affected districts and impressed upon practitioners that they should pay special attention to the possible risks this improper use of land/property would have on their clients. In the year, 36 "thematic visits" were conducted, involving visiting 505 shops. With the rising popularity of the internet as a means of promotion and publicity, the EAA also conducts cyber patrol to ensure compliance of licensees. In the year, 579 cyber patrols were carried out. All these proactive efforts have resulted in 94 suspected non-compliant cases in the year, with the majority of these allegations concern advertising false or misleading property information or listing price, breaches relating to signing of estate agency agreement and improper completion of prescribed forms.

The sale of first hand properties continues to be a main source of business for large agencies. The order of first sales has attracted considerable attention from the public and media. In the year, Operations staff paid 1,100 visits to first sales sites, which resulted in 7 cases being investigated. Problems associated with first sales are not confined to the order of sales. Other reasons for complaints include providing misleading information relating to mortgage application and failure to honour the rebates to purchasers as promised.



### 發出執業通告

鑑於市場狀況的轉變及政府推出的新措施，監管局於2011/12年度發出了三份執業通告，內容包括一手住宅物業推廣活動的操守，額外印花稅及保障個人資料。這些通告為持牌人提供與業界及公眾關注事宜有關的具體實用指引。

基於市場對物業資訊透明度的需求日增，及預期一手住宅物業銷售會立法要求採用「實用面積」，監管局遂於2011年中開始研究在二手物業市場推行實用面積。在考慮採用「實用面積」推廣二手物業的好處後，監管局為了順利實施新措施並讓公眾及持牌人逐漸適應，要求業界在二手住宅物業的宣傳推廣中提供實用面積及建築面積。此議題於2011/12年底在執業及考試委員會中經過充分討論，並預期於2012年中發出執業通告，公眾及業界會有足夠的時間熟習有關概念和應用事宜。

一手樓盤銷售處的從業員操守繼續受到社會關注。2011/12年度，本局審閱並更新了與一手住宅物業推廣活動的操守相關的通告。

近年，隨着誤用及大意洩漏個人資料的事件發生，掀起了公眾對保障個人資料的關注。為確保持牌人遵守法例，並給予地產代理業界實用及具體指引，本局於2011年10月發出了保障個人資料的執業通告。

# Report of the Chief Executive Officer

## *Complaint handling*

Complaint handling is the bread and butter of EAA's daily work. In 2011/12, we received a total of 7,412 enquiries from members of the public, and received 498 complaints. This represents a drop of 18% in enquiries and 24% in complaints when compared to similar figures for the previous financial year. The nature of complaints is largely the same, with the usual reasons of complaints being mishandling or failing to explain the provisional agreements for sale and purchase and providing inaccurate or misleading property information.

## *Disciplinary action*

As regards disciplinary cases, in 2011/12, the Disciplinary Committee adjudicated on 279 cases of which 267 cases were substantiated. The number of cases being brought before the Disciplinary committee in 2011/12 is much higher than that of 2010/11 (224 cases), whereas the substantiation rates of these two years are quite similar.

A total of 278 licensees were disciplined (as compared to 222 in 2010/11), amongst which 223 were individual licensees and 55 company licensees.

## Highlights of EAA's work

### *EAA's contributing to government's effort to regulate first hand residential property sales*

With the continuous rise in prices in first hand residential properties and the practices which attracted considerable criticism from the public, the Transport and Housing Bureau (THB) initiated a discussion on how the sale and promotional activities of first hand residential properties should be regulated. A Steering Group was formed, with participants from various sectors. Senior executives of the EAA Administration were members of the Steering Group and its sub-committees, offering our comments and sharing experience in our ongoing law enforcement work in first sale sites and malpractices commonly observed. Upon conclusion of deliberation by the Steering Group, a consultation paper was published by THB, soliciting views from the community. The EAA also submitted our views on the paper, agreeing in general that regulating the first hand residential property market should be by way of legislation. As the bill is going through the legislative process, the EAA will closely monitor the development to ensure that timely and suitable advice be given to licensees in compliance with the legislation.

## 公眾參與及與業界聯繫

監管局是為保障公眾利益而設立的法定機構。為了讓公眾更了解我們的工作，監管局透過傳媒、巡迴展覽及互聯網與社區進行連繫。監管局會就特定議題召開新聞發布會，並為主席、董事局成員及行政部門高級行政人員安排傳媒採訪，讓市民得知本局的最新措施和工作動向。我們亦會為不同傳媒撰文，讓公眾緊貼最新發展及教導消費者有關物業買賣的常見陷阱。另一方面，互聯網是與新一代消費者溝通的有效媒介。隨着網站革新，監管局定期上載各種有用資訊，讓持牌人及市民瀏覽。公眾亦可透過新聞稿獲得重要訊息。而巡迴展覽則讓監管局職員有機會直接與市民互動。年內，本局已於三個港鐵站內舉辦了六次展覽，市民反應正面。

與業界交流有助監管局直接而清晰地向業界代表傳達本局的計劃與措施，確保業界能了解並遵守。2011/12年度，本局舉行了四次季度業界聯絡會議。監管局行政部門的高級行政人員與八個業界商會代表會面，就不同議題交流意見。此外，監管局行政部門亦與四大地產代理商舉行一年兩次的會議，以加強溝通。年內，行政部門開始舉行季度聚焦小組會議，與隨機抽樣的從業員會面。這類聯絡活動讓監管局與持牌人能對所關注的議題作出深入討論，參與者一般對此表示歡迎。

## 提高持牌人的專業水平

我們繼續與持牌人討論應否將自願性持續專業進修計劃改為強制性。此舉對監管局行政部門和持牌人有着重大的承擔及影響，所以必須進行非常仔細和全面的討論才能落實。這項更改亦需要政府參與修改相關法例。有關討論仍在進行中。

由監管局與廉政公署合辦的「誠信管理計劃」，已完成了第二年。2012年3月，我們出版了《優質執業手冊》，並將舉辦一連串的培訓講座。

## 與中國房地產估價師與房地產經紀人學會(「中房學」)的資格互認計劃

2010年11月，監管局與中房學簽署協議後，於2011年7月在深圳舉辦第一屆培訓課程暨考試，共有231位香港考生及67位內地考生參加。其中分別有225位及66位通過考試，並於2011年8月獲得通知。2011/12財政年度完結前，監管局行政部門與中房學制訂了註冊程序。同時，雙方已就第二期資格互認計劃展開初步討論。



# Report of the Chief Executive Officer

## *Issuing of practice circulars*

In the light of changing market conditions and government's new measures, in 2011/12, the EAA has issued three new practice circulars on issues such as the conduct in promotional activities in sales of first-hand residential properties, Special Stamp Duty and the protection of personal data. These circulars provide specific and useful guidance to licensees in matters of concern to the estate agency trade and the public.

With the increase in demand for higher transparency in property information, and in anticipation of the possible legislative requirement for information on "saleable area" to be quoted in the sale of first-hand residential properties, the EAA started studying the application of saleable area in second-hand properties in mid 2011. Having considered the benefits of adopting "saleable area" in the promotion of second-hand properties, the EAA believed that to smooth the implementation and enable both the public and licensees to gradually accustom to the new practice, the trade should be required to quote information on both saleable area and gross floor area in advertising and promoting second hand residential properties. The issue was thoroughly discussed at the Practice and Examination Committee towards the end of 2011/12 and it is anticipated that the circular will be issued in mid 2012, with a period of time allowed for both the public and the trade to familiarize themselves with the concept and the applicability issues.

Practitioners' conduct in first sale sites continues to be a matter of concern to the community. In 2011/12, the circular on conduct in promotional activities of first hand residential properties was reviewed and updated.

Protection of personal data has become a public concern in the past few years, following incidents of misuse of personal data and inadvertent leakage of personal information. To ensure licensees abide by the legislation, and to give practical and specific guidance to the estate agency trade, a practice circular on protection of personal data was issued in October 2011.

## *Public engagement and liaison with the trade*

EAA is a statutory body formed to protect public interests. To enable the public to have a better understanding of its work, the Authority has outreached to the community through the media, roving exhibitions and the internet. To inform the public of its new initiatives and ongoing work, the EAA organizes press briefings on specific subjects, media interviews for Chairman and other Board members, and senior executives of the EAA Administration. We also contribute articles to various media outlets to keep the public abreast of recent developments and educate the consumers on the common pitfalls in property transaction. The internet on the other hand is a very effective medium to communicate our work to the IT savvy consumers. Following the revamp of the EAA website, information useful to licensees and members of the public is regularly uploaded. Press releases are issued to disseminate important messages to the public. Roving exhibition enables the EAA staff to have direct and face-to-face interaction with the public. In the year, six exhibitions were organized at three MTR stations. Feedback from visitors was generally positive.

Engaging the trade helps to communicate the EAA's plans and initiatives to its representatives directly and clearly, thereby ensuring better understanding and compliance. In 2011/12, four quarterly trade liaison group meetings were held. Senior executives of the EAA Administration met with representatives of eight trade associations and exchanged views on a wide range of subjects. In addition, the EAA Administration also had biannual meetings with the four major estate agency companies to strengthen communication. In the year, the EAA Administration started to meet randomly selected practitioners in focus group meetings on a quarterly basis. This type of liaison enables the EAA and licensees to have in-depth discussions on issues of concern and is generally welcomed by those who participated.



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

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

### 機構管治

一如以往，監管局高度重視機構管治。所有員工必須每年一次或按需要申報其利益。年內，行政部門應董事局的要求，重新檢視了員工離職後的就業限制安排，並收緊了相關要求，以符合公眾期望。

自2010年7月起，監管局被納入申訴專員的監管範圍。2011/12年度，申訴專員向本局轉介了五宗個案，並全部獲得妥善處理。申訴專員對監管局行政部門的回覆表示滿意，無須展開正式調查。本局認真看待公眾意見，並樂於尋求改善程序或僱員技能的空間。

### 總結

回顧過去，實是精彩而又碩果纍纍的一年。我衷心感謝董事局的指導和支持，亦為監管局行政部門全體員工的團結一致感到自豪。

在監管局籌備其十五周年慶典之際，讓我們藉此回顧，地產代理行業在過去十五年所經歷翻天覆地的改變，有賴過去及現任董事局成員及員工的努力，全情投入建立和運作本法定機構。過去三年，我能夠在監管局工作，實在深感榮幸。我深信本局將繼續竭力以專業公正的精神履行職責。

行政總裁  
余呂杏茜



# Report of the Chief Executive Officer

## *Upgrading of licensees' professional standard*

Our discussion with licensees on turning the voluntary Continuing Professional Development scheme into a mandatory one continued. Since this has major implications on the commitment of the EAA Administration and licensees, very detailed and exhaustive discussion is necessary. The said change also requires legislative amendment, which has to be processed by the Government. Discussion is still ongoing.

The Integrity Management Programme jointly organized by the EAA and the Independent Commission Against Corruption completed its second year. A *Best Practice Checklist* was published in March 2012, which will be followed by training seminars.

## *Mutual recognition scheme with the China Institute of Real Estate Appraisers and Agents (CIREA)*

With the signing of the agreement between the EAA and the CIREA in November 2010, the first training cum examination session was conducted in July 2011 in Shenzhen. Altogether, 231 candidates from Hong Kong and 67 from the Mainland took part in the event. 225 from Hong Kong and 66 from the Mainland passed the examination and were informed of the outcome in August 2011. At the close of the financial year of 2011/12, the EAA Administration was in close touch with the CIREA to map out the registration procedures. At the same time, preliminary discussion was held on the second phase of the mutual recognition scheme.

## *Corporate Governance*

As in the past, the EAA takes corporate governance seriously. All staff are required to declare their interest once a year and as and when required. In the year, the Administration, at the request of the Board, reviewed its post-employment sanitization arrangement. The relevant requirement was subsequently tightened to meet rising public expectation.

The EAA has come under the scrutiny of The Ombudsman since July 2010. In 2011/12, a total of 5 referrals were received from The Ombudsman, all of which were settled. No formal investigation has been launched by The Ombudsman following the replies furnished by the EAA Administration. The Authority takes views from the public seriously, and seeks to improve its procedures or skills of its employees when needed.

## Conclusion

The year in review has been a busy and productive one. I would like to express my gratitude to the Board for its guidance and support. I also appreciate the team work of all my colleagues in the EAA Administration.

As the EAA is preparing to celebrate its 15<sup>th</sup> anniversary, let us remember that the estate agency trade has experienced a sea change in these 1 1/2 decades, thanks to the hard work of all the past and current Board members and staff who have contributed enormously to the setting up and running of this regulatory body. I have the privilege to be associated with the EAA in the past three years and am confident that it will continue to discharge its duties diligently, professionally and fairly.

**Rosanna Ure**  
*Chief Executive Officer*

# 監管局成員



主席  
Chairman

陳韻雲太平紳士，BBS  
Ms Vivien Chan, BBS, JP

陳韻雲律師行資深合夥人  
VCC LAND主席  
• 能源諮詢委員會成員

Senior Partner, Vivien Chan & Co.  
Chairman, VCC LAND  
• Member, Energy Advisory Committee



副主席  
Vice-chairman

梁永祥太平紳士，BBS  
Mr William Leung Wing-cheung, BBS, JP

新鴻基金融有限公司行政總裁  
新鴻基有限公司集團副行政總裁  
• 香港浸會大學校董會司庫  
• 香港演藝學院校董會主席  
• 僱員再培訓局副主席  
• 香港創意藝術中心有限公司主席  
• 西九文化區管理局諮詢會成員  
• 數碼21資訊科技策略諮詢委員會委員

Chief Executive Officer of Sun Hung Kai Financial Limited  
Group Deputy Chief Executive Officer of Sun Hung Kai & Co. Limited  
• Treasurer, Council of the Hong Kong Baptist University  
• Chairman, Council of The Hong Kong Academy for Performing Arts  
• Vice Chairman, Employees Retraining Board  
• Chairman, Hong Kong Creative Arts Centre Limited  
• Member, The Consultation Panel of the West Kowloon Cultural District Authority  
• Member, Digital 21 Strategy Advisory Committee





# Members of the EAA



陳超國先生  
Mr Charles Chan Chiu-kwok

第一太平戴維斯估值及專業顧問(大中華區)  
董事總經理

- 發展局上訴審裁團(建築物)成員
- 香港測量師學會產業測量組理事會成員

Managing Director, Savills Valuation and Professional Services  
(Greater China)

- Member, Appeal Tribunal Panel (Buildings) of Development Bureau
- Member of General Practice Division Council, The Hong Kong Institute of Surveyors



鍾詠雪女士  
Ms Cynthia Chung Wing-suet

的近律師行合夥人

- 入境事務審裁處副總審裁員
- 上訴委員會(房屋)成員
- 交通審裁處小組成員
- 強制性公積金計劃管理局指引制定委員會成員
- 暴力及執法傷亡賠償委員會委員
- 職業退休計劃上訴委員會成員

Partner, Deacons

- Deputy Chief Adjudicator of Immigration Tribunal
- Member, Appeal Panel (Housing)
- Panel member, Transport Tribunal
- Member, The Guidelines Committee of the Mandatory Provident Fund Schemes Authority
- Member, Criminal and Law Enforcement Injuries Compensation Boards, Hong Kong
- Member, Occupational Retirement Schemes Appeal Board

## 監管局成員



洪小蓮女士，香港理工大學院士  
Ms Katherine Hung Siu-lin  
Fellow, The Hong Kong Polytechnic University

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長江實業(集團)有限公司獨立非執行董事  
中國國家行政學院(香港)工商專業同學會理事
- 中華人民共和國中國人民政治協商會議天津市第十二屆委員
  - 香港房屋協會執行委員會成員
  - 香港科技大學顧問委員會委員
  - 香港理工大學顧問委員會成員
  - 香港理工大學企業發展院督導委員
  - 嶺南大學榮譽諮議會委員

- Director, Li Ka-shing Foundation Limited  
Independent Non-executive Director, Cheung Kong (Holdings) Ltd.  
Director, Chinese Academy of Governance (HK) Industrial & Commercial Professionals Alumni Association
- Member, Tianjin Municipal Committee of the 12<sup>th</sup> Chinese People's Political Consultative Conference of the People's Republic of China
  - Executive Committee Member, Hong Kong Housing Society
  - Court Member, The Hong Kong University of Science and Technology
  - Court Member, The Hong Kong Polytechnic University
  - Steering Committee Member, Institute for Enterprise of the Hong Kong Polytechnic University
  - Honorary Court Member, Lingnan University



郭昶先生  
Mr Anthony Kwok Chong

- 中原集團董事(專業發展)  
中原訓練學院院長
- 香港地產代理專業協會副會長
  - 僱員再培訓局技能提升計劃地產代理行業小組委員
  - 香港大學專業進修學院校友會助理會長

- Director (Professional Development), Centaline Group  
Director, Centaline Training Institute
- Vice President, Society of Hong Kong Real Estate Agents Ltd.
  - Committee Member, Real Estate Agents Sector (Skills Upgrading Scheme, Employees Retraining Board)
  - Vice President, HKU SPACE Alumni



## Members of the EAA



林詩棋先生  
Mr Kevin Lam Sze-cay

花旗銀行企業及投資銀行香港部首席營運官

- 旅遊業賠償基金管理委員會成員
- 財經界人力資源諮詢委員會成員
- 證券及期貨事務上訴審裁處成員

Chief Operating Officer, Hong Kong Corporate and Investment Banking, Citibank, N.A.

- Member, The Travel Industry Compensation Fund Management Board
- Member, Advisory Committee on Human Resources Development in the Financial Services Sector (FinMan Committee)
- Member, The Securities and Futures Appeals Tribunal



劉振江測量師  
Sr Lau Chun-kong

仲量聯行國際董事

- 香港測量師學會產業測量組2011–2013年度理事會成員
- 英國皇家特許測量師學會亞洲區估價專業理事會成員

International Director, Jones Lang LaSalle Limited

- Member, General Practice Divisional Council of the Hong Kong Institute of Surveyors from 2011 to 2013
- RICS Asia Valuation Professional Group Board Member

## 監管局成員



劉詩韻測量師  
Sr Serena Lau Sze-wan

永利行測量師有限公司董事總經理  
永利行國際有限公司董事

- 香港特別行政區政府選舉管理委員會建築、測量及都市規劃界別分組委員
- 香港測量師學會會長
- 輸入優秀人才及專才諮詢委員會成員
- 城市規劃上訴委員團成員
- 香港房屋協會審核委員會委員
- 香港房屋委員會建築小組委員會委員

Managing Director, RHL Surveyors Ltd.  
Director, RHL International Limited

- Member, Architectural, Surveying & Planning Subsector of the Electoral Affairs Commission of the HKSAR Government
- President, Hong Kong Institute of Surveyors
- Member, Advisory Committee on Admission of Quality Migrants and Professionals
- Member, Town Planning Appeal Board Panel
- Member, Audit Committee, Hong Kong Housing Society
- Member, Building Committee of Hong Kong Housing Authority



劉燕卿太平紳士  
Miss Connie Lau Yin-hing, JP

消費者委員會總幹事

- 立法規管一手住宅物業銷售督導委員會委員
- 金融糾紛調解中心有限公司董事局成員
- 旅行代理商諮詢委員會委員
- 旅遊業賠償基金管理委員會委員
- 競爭政策諮詢委員會委員
- 香港金融管理局接受存款公司諮詢委員會委員

Chief Executive, Consumer Council

- Member, Steering Committee on the Regulation of the Sale of First-hand Residential Properties by Legislation
- Member, Board of Directors, Financial Dispute Resolution Centre Limited
- Member, Advisory Committee on Travel Agents
- Member, Travel Industry Compensation Fund Management Board
- Member, Competition Policy Advisory Group
- Member, Deposit-taking Companies Advisory Committee, Hong Kong Monetary Authority



## Members of the EAA



李景亮先生  
Mr Lee King-leong

港龍地產公司營運總監  
典泛有限公司董事

- 地產代理聯會第一副主席
- 油尖旺大廈組織及業主協會創會會員

Managing Director, Land Dragon Real Estate Agency  
Director, Perfect Focus Ltd

- First Vice Chairman, Property Agencies Association
- Founding Member, Yau Tsim Mong Building Organisation and Owners Association



李國麟議員，SBS，JP  
Dr the Honourable Joseph Lee Kok-long, SBS, JP

香港公開大學科技學院護理學系主任及副教授  
立法會議員

- 醫院管理局成員
- 策略發展委員會委員
- 獨立監察警方處理投訴委員會副主席
- 廉政公署審查貪污舉報諮詢委員會委員

Programme Leader and Associate Professor of Nursing Studies,  
School of Science and Technology, The Open University of Hong  
Kong

Legislative Councillor

- Member, Hospital Authority Board
- Member, Commission on Strategic Development
- Vice-chairman, Independent Police Complaints Council
- Member, Operations Review Committee, Independent Commission Against Corruption

## 監管局成員



梁繼昌先生  
Mr Kenneth Leung Kai-cheong

高偉紳律師行高級顧問律師及特許稅務顧問

- 香港房屋委員會委員
- 獨立監察警方處理投訴委員會委員
- 香港特別行政區行政長官選舉委員會委員
- 稅務聯合聯絡小組委員
- 香港稅務學會稅務政策委員會主席
- 公共專業聯盟副主席

Senior Consultant & Chartered Tax Adviser, Clifford Chance

- Member, Hong Kong Housing Authority
- Member, Independent Police Complaints Council
- Member, Election Committee for the Election of the Chief Executive of the HKSAR
- Member, Joint Liaison Committee on Taxation
- Chairman, Taxation Policy Committee, The Taxation Institute of Hong Kong
- Vice-chairman, The Professional Commons



劉哲寧先生  
Mr Liu Che-ning

香港上海滙豐銀行有限公司環球銀行及資本市場環球銀行香港及大中華區主管

- 證券及期貨事務監察委員會程序覆檢委員會成員
- 證券及期貨事務監察委員會收購及合併委員會委員
- 香港會計師公會紀律小組A成員
- 稅務委員會委員

Head of Global Banking, Hong Kong and Greater China, Global Banking and Markets, The Hongkong and Shanghai Banking Corporation Limited

- Member, Process Review Panel for the Securities and Futures Commission
- Member, Takeovers and Mergers Panel for the Securities and Futures Commission
- Member of Disciplinary Panel A of the Hong Kong Institute of Certified Public Accountants
- Member of the Board of Inland Revenue



## Members of the EAA



廖玉玲女士  
Ms Elaine Liu Yuk-ling

大律師

- 牌照上訴委員會副主席
- 稅務上訴委員會委員
- 香港大律師公會執行委員會委員
- 香港護士管理局委員
- 婚姻監禮人委任事宜上訴委員會成員

Barrister-at-law

- Vice Chairman, Licensing Appeals Board
- Member, Board of Review (Inland Revenue Ordinance)
- Council Member, Hong Kong Bar Association
- Member, The Nursing Council of Hong Kong
- Member, Civil Celebrant of Marriages Appointment Appeal Board



呂耀華先生  
Mr Alexander Lui Yiu-wah

嘉華國際集團有限公司執行董事

- 香港地產建設商會會董
- 香港工商專業聯會執行委員會委員
- 香港房地產協會(即前「香港房地產建築業協進會」)副會長
- 上訴委員會(房屋)委員(1/7/2002至31/3/2008)
- 中華人民共和國中國人民政治協商會議第十一、十二屆廣州市委員會常務委員
- 香港廣佛肇聯誼總會副主席

Executive Director, K. Wah International Holdings Limited

- Director, The Real Estate Developers Association of Hong Kong
- Member of Executive Committee, Business & Professionals Federation of Hong Kong
- Vice-President, The Hong Kong Real Estate Association
- Member, The Appeal Panel (Housing) (1/7/2002 to 31/3/2008)
- Member, Guangzhou Municipal Committee of the 11<sup>th</sup> & 12<sup>th</sup> Chinese People's Political Consultative Conference of the People's Republic of China
- Vice-President, Hong Kong GuangFoZhao Fraternity Association

## 監管局成員



馬豪輝太平紳士，SBS  
Mr Ma Ho-fai, SBS, JP

胡關李羅律師行高級合夥人

- 香港特別行政區第十一屆全國人大代表
- 香港旅遊業議會獨立理事及名譽秘書
- 自置居所津貼上訴委員會副主席
- 僱員補償援助基金管理局主席 (7/2004–6/2010)
- 香港空運牌照局委員 (4/2004–7/2010)
- 破產欠薪保障基金委員會委員 (4/2004–3/2010)

Senior Partner, Woo, Kwan, Lee & Lo

- Deputy to the 11<sup>th</sup> National People's Congress of the People's Republic of China
- Independent Director and Honorary Secretary, Travel Industry Council of Hong Kong
- Deputy Chairman, Home Purchase Allowance Appeals Committee Panel
- Chairman, Employees Compensation Assistance Fund Board (7/2004–6/2010)
- Member, Air Transport Licensing Authority (4/2004–7/2010)
- Member, Protection of Wages on Insolvency Fund Board (4/2004–3/2010)



伍景華先生  
Mr Ng King-wah

黃嘉錫律師事務所執業律師

- 能源諮詢委員會成員
- 東區區議會轄下經濟及文化事務委員會增選委員

Solicitor, Jimmie K.S. Wong & Partners

- Member, Energy Advisory Committee
- Co-opted Member, Economic and Cultural Affairs Committee under Eastern District Council





## Members of the EAA



吳麗莎女士  
Miss Melissa Wu

畢馬威中國人才事務主管合夥人

- 衛奕信勳爵聯合世界書院獎學基金理事會委員
- 紀律人員薪俸及服務條件常務委員會委員

Partner in charge, People, Performance and Culture, KPMG China

- Member, The Lord Wilson United World Colleges Scholarship Fund Council
- Member, The Standing Committee on Disciplined Services Salaries and Conditions of Service



李麗儀太平紳士  
Ms Annette Lee Lai-yee, JP

運輸及房屋局副秘書長(房屋)

(運輸及房屋局常任秘書長(房屋)代表)

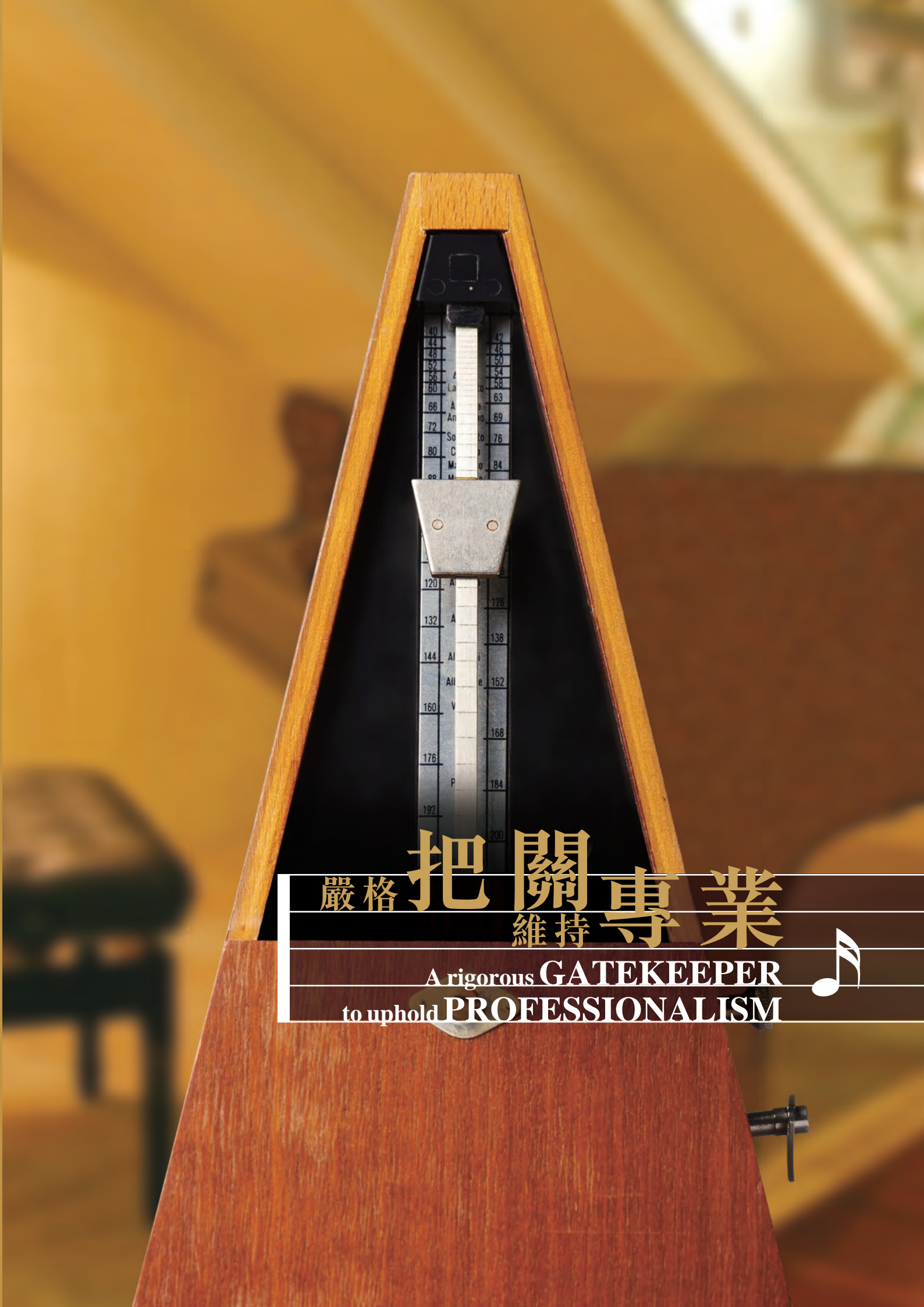
Deputy Secretary for Transport and Housing (Housing)

(Representative of Permanent Secretary for Transport and Housing (Housing))

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嚴格 **把關** 專業  
維持 **專業**

A rigorous **GATEKEEPER**  
to uphold **PROFESSIONALISM**



# 作為把關者：資格考試及發牌

監管局非常明白其把關者角色的重要性，因為這是一個有效監管機制的核心。透過舉辦資格考試及審批牌照申請，監管局致力確保只有達到一定水平的人士，才能加入這個行業。

內地與香港地產代理專業資格互認計劃的第一期培訓課程及考試已在年內完成。預期該計劃能促進中、港兩地的專業交流，藉此推動業界發展。

為響應環保和方便持牌人，監管局於年內推出電子服務，為持牌人和前持牌人提供一系列網上服務。

## 資格考試

地產代理資格考試及營業員資格考試，旨在評估有志加入地產代理業的人士，是否具備提供地產代理服務所需的專業知識。在2011/12年度，地產代理資格考試及營業員資格考試分別舉行了四次和六次。資格考試由香港考試及評核局代表監管局舉辦。



資格考試具有適當的難度，以確保通過考試的人士達到必要的水平。

An appropriate level of qualifying examinations is set to ensure those who pass meet the requisite standard.

## 報考人數

2011/12年度，報考地產代理資格考試及營業員資格考試的人數分別為7,735人及12,055人。

與2010/11年度相比，出席地產代理資格考試及營業員資格考試的人數，分別下降16.2%及7.8%至7,234人及11,024人。

本年度地產代理資格考試及營業員資格考試的平均合格率，分別為39.6%及43.6%，而2010/11年度的合格率則為35%及51%。

考生當中有學生及來自各行各業的人士，包括物業管理、建築與測量、銀行、會計、零售及批發。首次參加資格考試的人士約有51%。



# As a gatekeeper: qualifying examination and licensing

The EAA understands well the importance of gate-keeping as it is the essence of an effective regulatory regime. Through organising qualifying examinations and scrutinizing licence applications, the EAA strives to ensure that only those who meet the required standards should be allowed to practise in the trade.

The first training course and examination of the scheme of mutual recognition of professional qualifications of estate agents in the Mainland and Hong Kong were completed in the year. It is expected that the scheme will be conducive to the development of the trade through enhanced exchanges between both sides.

Bearing in mind environmental protection and convenience to licensees, during the year the EAA launched an initiative called e-Services for licensees and former licensees to obtain a bundle of services on-line.

## Qualifying examinations

The Estate Agents Qualifying Examination (EAQE) and the Salespersons Qualifying Examination (SQE), which purposes are to assess whether persons who wish to practise in the estate agency trade possess the requisite knowledge to provide estate agency services, were held four times and six times respectively in 2011/12. The qualifying examinations were administered by the Hong Kong Examinations and Assessment Authority on behalf of the Estate Agents Authority.

## Number of candidates

A total of 7,735 candidates registered for the EAQE and a total of 12,055 candidates registered for the SQE in 2011/12.

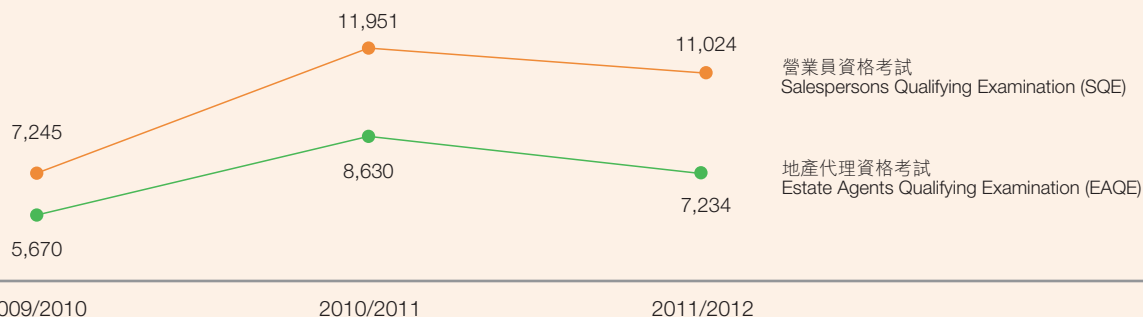
Compared to 2010/11, the number of candidates sitting the EAQE and SQE in 2011/12 decreased by about 16.2% and 7.8% to 7,234 and 11,024 respectively.

The average pass rates for the EAQE and SQE were 39.6% and 43.6% respectively, as against 35% and 51% in 2010/11.

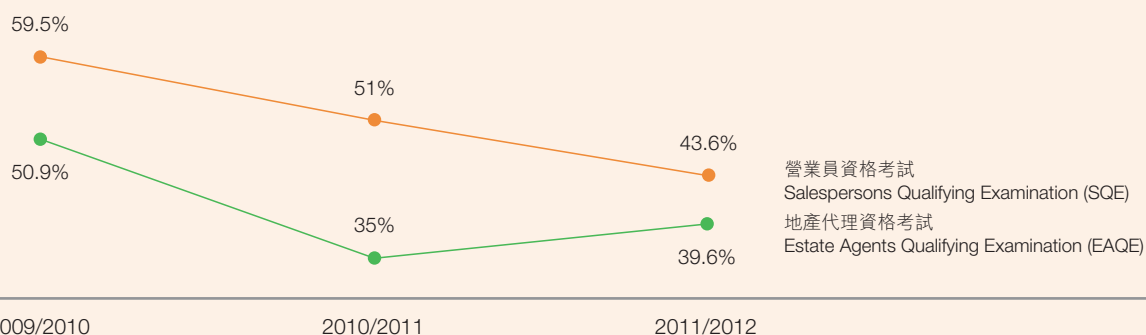
Candidates included students and people from a wide range of occupational backgrounds, including property management, construction and surveying, banking, accounting, retail and wholesale business. About 51% of the candidates sat the examination for the first time.

# 作為把關者：資格考試及發牌

考生人數  
Number of candidates

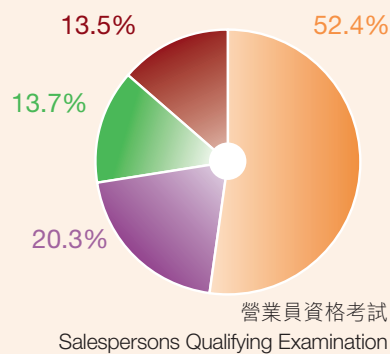
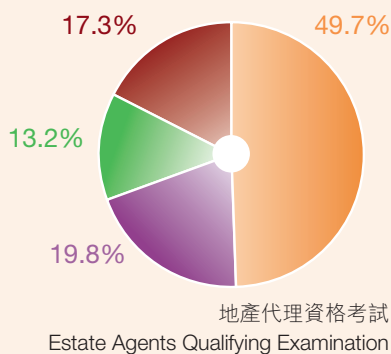


資格考試合格率  
Pass rate of qualifying examinations



考生參加考試的次數  
Number of attempts at examinations

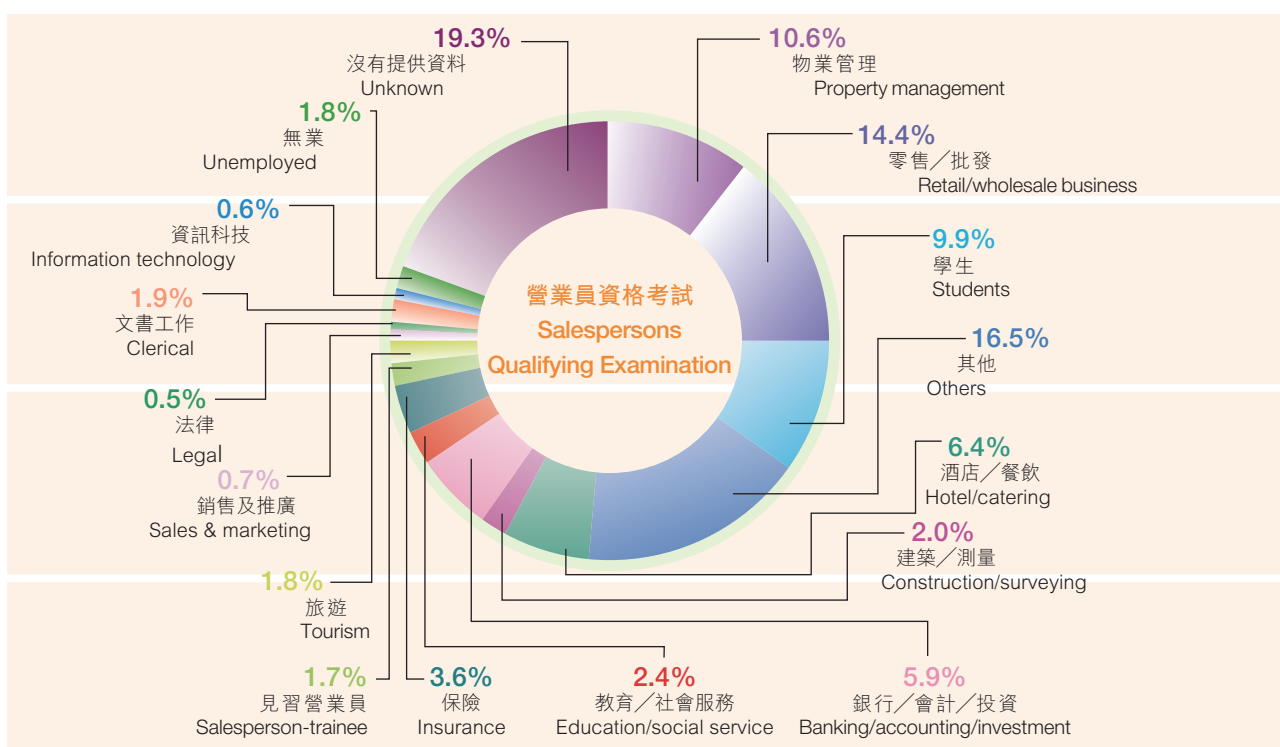
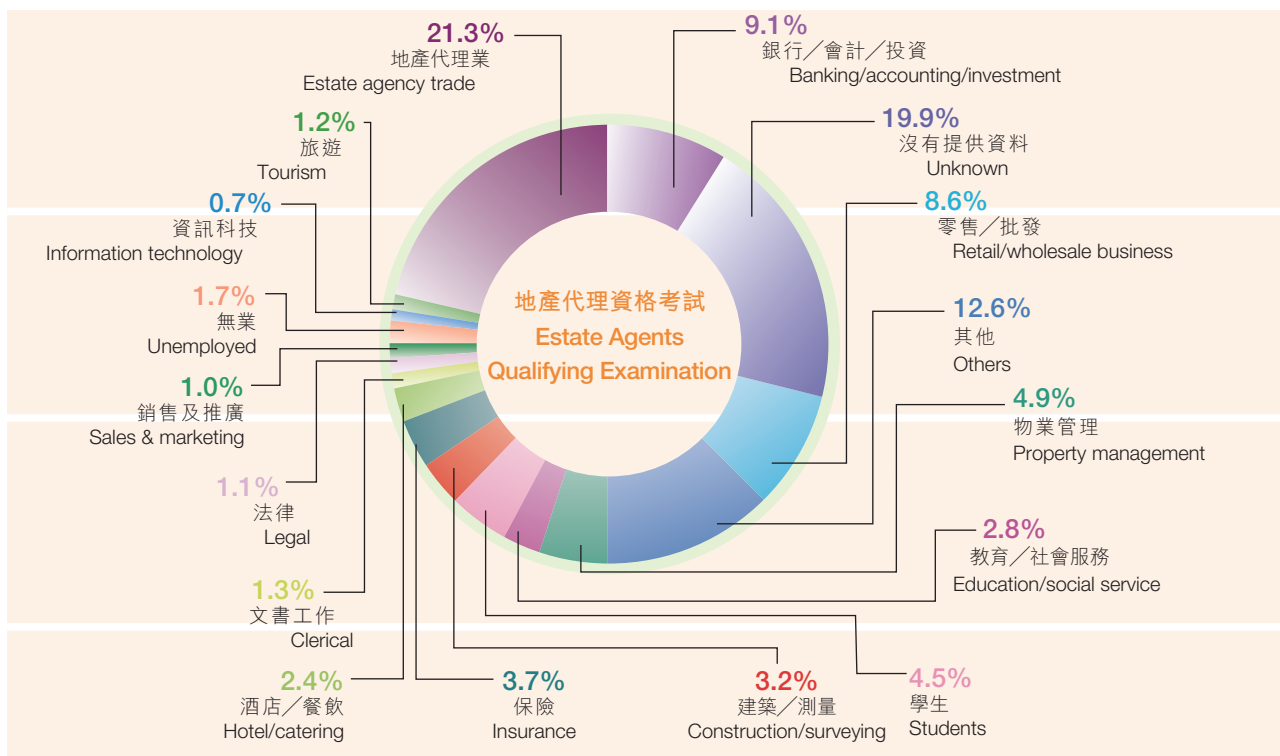
■ 第一次應考 First attempt    
 ■ 第二次應考 Second attempt    
 ■ 第三次或以上應考 Third attempt or above    
 ■ 沒有提供資料 Unknown



# As a gatekeeper: qualifying examination and licensing

## 報考資格考試考生的職業背景

### Occupational background of candidates registered for the qualifying examinations



## 作為把關者：資格考試及發牌

### 發牌

於2012年3月31日計算的個人牌照總數創出新高，達34,831個，較去年同期上升8.9%。公司牌照亦創新高，達2,782個，較上年度增加10.7%，而營業詳情說明書數目，則較上年度增加6.7%至6,036個。

在34,831名持有個人牌照的人士當中，19,371人持有營業員牌照，15,460人持有地產代理(個人)牌照。

本年度，監管局共批出6,097個新申領的個人牌照，較上年度減少15%。

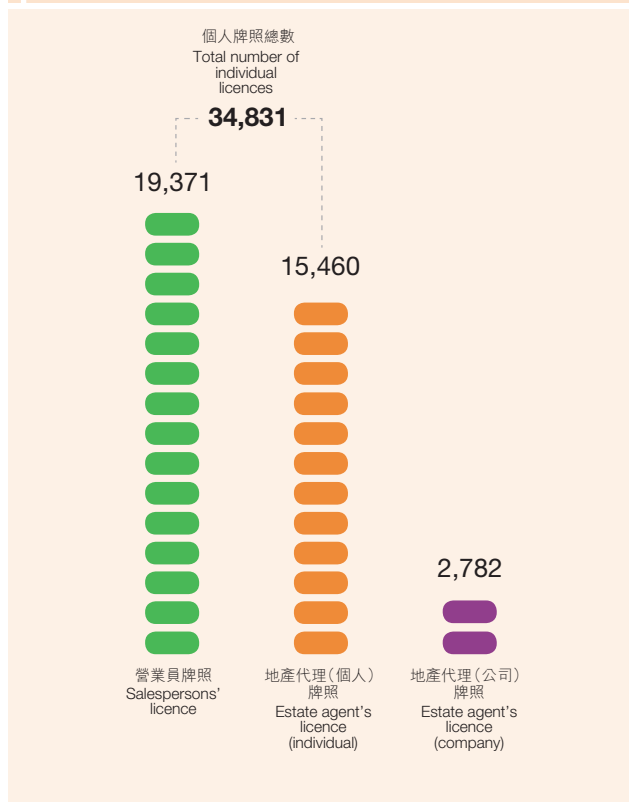
監管局審閱每一份牌照申請，以確保申請人符合法定條件。年內，監管局拒絕了195宗牌照申請，原因包括申請人未能符合學歷要求，或並非獲發、持有或繼續持有牌照的「適當人選」。



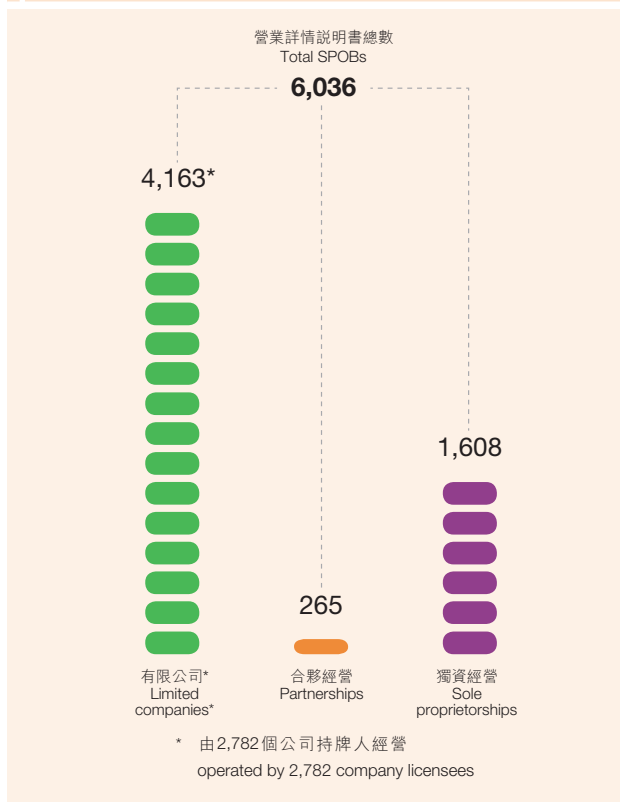
於2012年3月31日計算的個人牌照總數創出新高，達34,831個，較去年同期上升8.9%。

The number of individual licences as at 31 March 2012 grew by 8.9% over that of 31 March 2011 to a record high of 34,831.

牌照數目 (於2012年3月31日計算)  
Number of licences (as at 31/3/2012)



代理業務的經營模式 (於2012年3月31日計算)  
Mode of operation of estate agency businesses (as at 31/3/2012)





# As a gatekeeper: qualifying examination and licensing

## Licensing

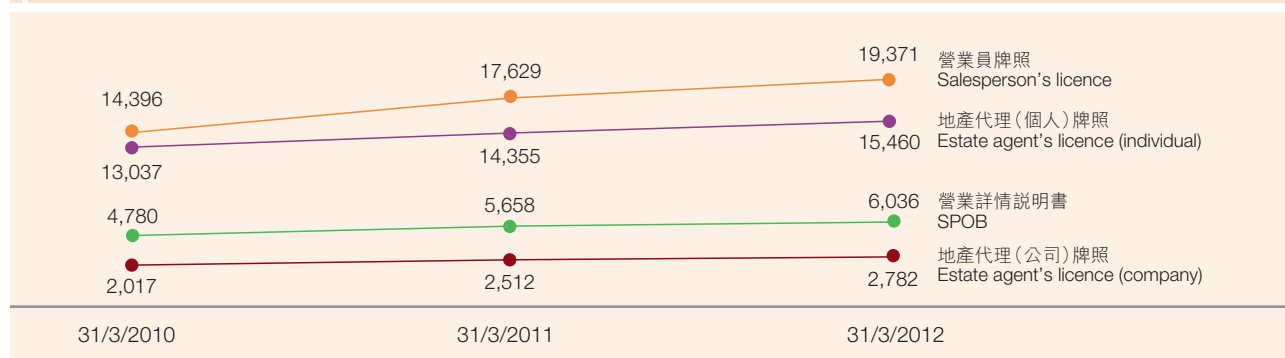
The number of individual licences as at the end of March 2012 grew by 8.9% over that of 31 March 2011 to a record high of 34,831. The number of company licences also reached new heights at 2,782, an increase of 10.7%, while that of statements of particulars of business (SPOBs) increased by 6.7% to 6,036.

Among the 34,831 individual licensees, 19,371 were holders of a salesperson's licence and 15,460 were holders of an estate agent's licence (individual).

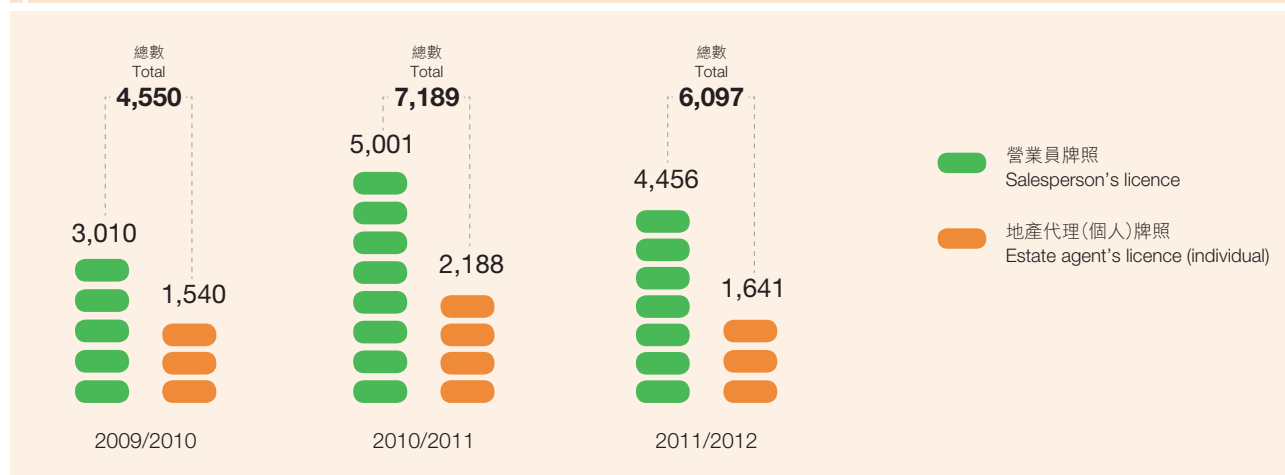
During the year, the EAA granted 6,097 new individual licences, a decrease of 15% compared to that of the previous year.

The EAA vets each licence application to ensure compliance with the relevant laws. In the year under review, 195 applications were rejected for different reasons such as applicants not having the required educational qualifications or not being "fit and proper" persons to be granted, or hold or continue to hold a licence.

### 牌照及營業詳情說明書數目 Number of licences and SPOBs



### 新申領牌照數目 Number of new licences granted



## 作為把關者：資格考試及發牌

### 教育水平與年齡分佈

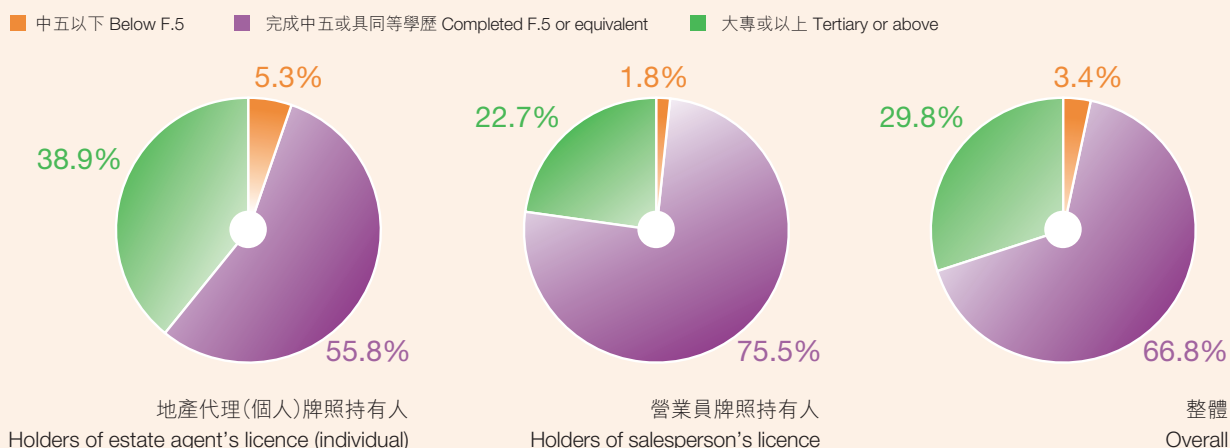
截至2012年3月31日，29.8%的持牌人具備大專或以上學歷，3.4%的持牌人教育程度低於中五<sup>1</sup>。

以2012年3月31日計算，持牌人的平均年齡為35.9歲，較上年度同日的36.8歲略低。

### 代理業務的規模

大多數地產代理商號仍然以小規模經營。截至2012年3月31日，92%的地產代理商號只有一間店舖，而同時經營五間分行或以上的商號只佔少於1%。

持牌人的學歷水平 (於2012年3月31日計算)  
Educational level of licensees (as at 31/3/2012)



持牌人的年齡 (於2012年3月31日計算)  
Age of licensees (as at 31/3/2012)

| 年齡<br>Age   | <21   | 21-30 | 31-40 | 41-50 | 51-60 | >60  |
|---|-------|-------|-------|-------|-------|------|
| 地產代理(個人)牌照持有人<br>Holders of estate agent's licence (individual) | 2.2%  | 16.3% | 31.2% | 35.6% | 12.8% | 1.9% |
| 營業員牌照持有人<br>Holders of salesperson's licence                    | 13.3% | 33.3% | 27.5% | 20.9% | 4.6%  | 0.4% |
| 整體<br>Overall   | 8.4%  | 25.8% | 29.1% | 27.4% | 8.2%  | 1.1% |

<sup>1</sup> 該等人士都是由於1999至2001年的三年過渡期內所實施的豁免措施而繼續獲發牌照的。



## As a gatekeeper: qualifying examination and licensing

### Educational attainment and age distribution

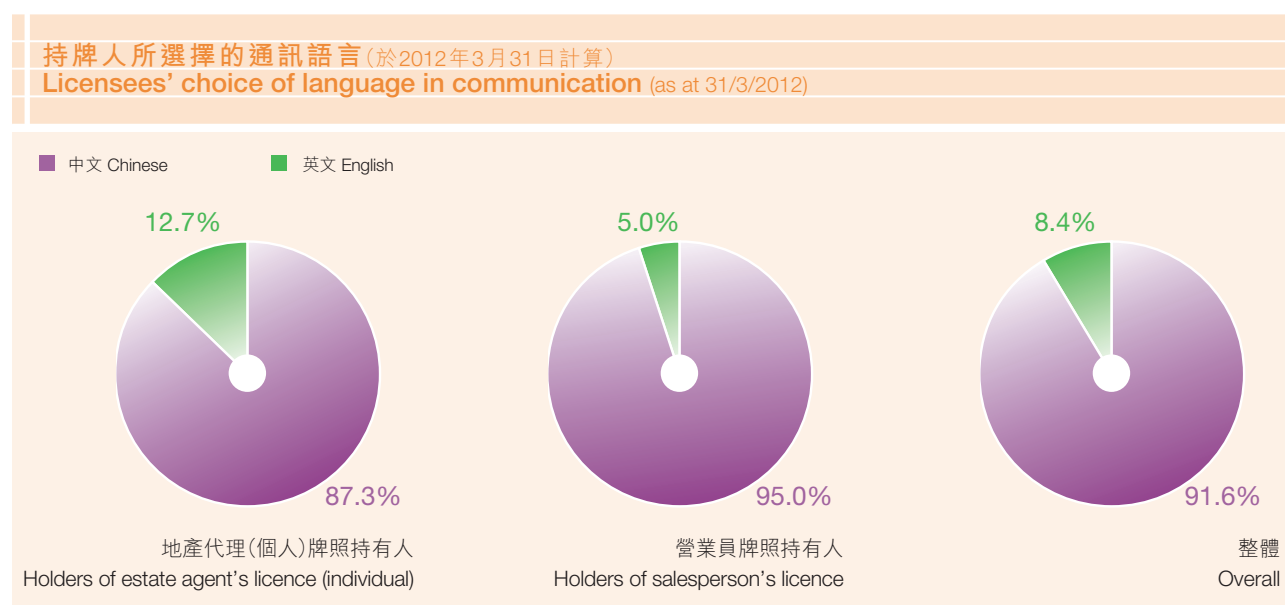
At the end of March 2012, 29.8% of licensees had an educational level of tertiary or above and 3.4% had an educational level below Form Five<sup>1</sup>.

As at 31 March 2012, the average age of licensees was 35.9 years, slightly lower than that of the previous year (36.8 years).

### Size of operations

The bulk of estate agency operations remained small in scale. At the end of March 2012, 92% of agencies operated as single-shop businesses and less than 1% had five or more shops.

| 代理業務的規模 (於2012年3月31日計算)   |       |     |    |   |      |       |       |     |
|---|-------|-----|----|---|------|-------|-------|-----|
| Size of operation of estate agency businesses (as at 31/3/2012) |       |     |    |   |      |       |       |     |
| 商舖數目<br>Number of shops   | 1     | 2   | 3  | 4 | 5-10 | 11-20 | 21-30 | >30 |
| 有限公司經營<br>Limited companies                                     | 2,522 | 164 | 47 | 9 | 27   | 8     | 1     | 4   |
| 合夥經營<br>Partnerships  | 231   | 10  | 2  | 2 | 0    | 0     | 0     | 0   |
| 獨資經營<br>Sole proprietorships                                    | 1,418 | 65  | 10 | 5 | 1    | 0     | 0     | 0   |



<sup>1</sup> These individuals continued to be qualified for licences because of the exemption measures introduced during the three-year transition period from 1999 to 2001.

## 作為把關者：資格考試及發牌

### 內地與香港地產代理專業資格互認計劃

監管局與中國房地產估價師與房地產經紀人學會(中房學)於2010年11月3日簽訂協議，落實內地與香港地產代理專業資格互認計劃的基本安排。此安排旨在推動中港兩地的地產代理業界專業人才交流與合作，同時促進兩地業界的長遠發展。

根據協議，在未來五年，監管局和中房學每年會分別推薦特定數額的合資格地產代理，參加由對方專門開設的培訓課程及考試。在完成課程並通過考試後，參加者可申請相關的執業資格，在內地及香港執業。雙方亦就如何處理針對參與計劃的持牌人的投訴，及對違規持牌人進行紀律處分等方面達成共識。雙方亦已建立通報機制，互相通報受處分的持牌人的資料，以確保監管機制的效力。

第一期培訓課程及考試於2011年7月18至20日一連三日在深圳舉行。培訓課程包括為期兩日的講座，而考試則於最後一天舉行。共有225位香港持牌人完成課程及通過中房學舉辦的考試，另外有66位內地地產代理完成課程及通過監管局舉辦的考試。考試成績於2011年8月底公佈，考生可於12個月內(即2012年8月31日或以前)申請有關牌照。



互認計劃的第一期培訓課程及考試於2011年7月舉行。

The first training course and examination of the mutual recognition scheme were held in July 2011.

### 持牌人專用的電子服務

監管局於2011年6月30日推出網上電子服務，為持牌人及前持牌人提供更環保便捷的方法更新個人資料，並幫助他們及時掌握監管局的最新動態和遵守法定要求。持牌人可於監管局網站享用一系列的電子服務。完成首次註冊後，持牌人和前持牌人(後者只享有部分功能)可於網上更新個人資料、訂閱監管局刊物(如通訊及續牌提示)及遞交某些法定通告。



## As a gatekeeper: qualifying examination and licensing

### Mutual recognition scheme of professional qualifications of estate agents in the Mainland and Hong Kong

The EAA and the China Institute of Real Estate Appraisers and Agents (CIREA) entered into an agreement on 3 November 2010 to lay down the foundation for the mutual recognition of professional qualifications of estate agents in the Mainland and Hong Kong. The arrangement was intended to boost professional exchanges and cooperation between practitioners of the estate agency trade in the Mainland and Hong Kong, and to facilitate the long-term development of the industry of both sides.

According to the agreement, the EAA and the CIREA will each nominate a certain number of estate agents to participate in a tailor-made training course and examination organised by both sides every year in the following five years. Upon completing the training course and passing the examination, the participants may then apply for the relevant qualification which will enable them to practise in the Mainland and Hong Kong. The signing parties also reached agreement regarding the handling of complaints against licensees under the scheme and the imposition of disciplinary sanctions against non-compliant licensees. A notification mechanism under which each side would report information about licensees who had been disciplined was also established to ensure the effectiveness of the regulatory regime.

The first training course and examination were held between 18–20 July 2011 in Shenzhen. The training course consisted of a two-day seminar and a written examination at the end of the three-day period. 225 Hong Kong licensees completed the course and passed the examination administered by the CIREA and 66 Mainland estate agents completed the course and passed the examination administered by the EAA. Results of the examination were announced at the end of August 2011 and the participants had up to a 12-month period (i.e. on or before 31 August 2012) to apply for the respective licences.

### e-Services for licensees

To provide a greener alternative and more convenience to licensees and former licensees to update their information, to facilitate them to keep abreast of EAA's work and to comply with statutory requirements, an initiative called e-Services was launched on 30 June 2011. e-Services consist of a bundle of on-line services offered through the EAA website. After first-time registration, licensees and, for certain functions, former licensees may update their personal particulars, manage subscriptions of EAA's publications (e.g. newsletters and licence renewal reminders) and file certain statutory notices.





規管 **到位不倚**  
不偏

A vigilant and impartial **REGULATOR**  
to ensure **COMPLIANCE**

# 作為規管者：執法及紀律行動

監管局肩負規管香港地產代理執業的使命，因此，監管局必須有效和公平地執行《地產代理條例》及其附屬法例。

監管局主要透過調查投訴、日常巡查和處分違規持牌人等方法，致力確保從業員守法循規。此外，監管局還採取新措施和方法處理特別問題。

因應市況變化，監管局不時檢討業界的執業手法和發出新的執業通告，為從業員提供新的執業指引。



監管局處理公眾人士對持牌人的投訴。(模擬圖片)  
The EAA handled complaints from the public against licensees. (Simulated photo)

## 執法

### 投訴、巡查和查詢數目

2011/12年度，監管局共接獲498宗投訴個案，其中大部分關於二手住宅物業，只有27宗(佔5%)涉及一手住宅樓盤。

監管局在同年度完成了538宗投訴個案的調查工作，其中180宗(佔33%)的指稱成立。指稱成立的個案當中，只有五宗與一手住宅物業有關。該180宗個案的主要指稱包括不當處理或沒有向客戶解釋臨時買賣合約(或臨時租約)、未有與客戶簽訂或解釋地產代理協議，以及未有進行土地查冊或未有向客戶提供查冊結果的文本。

本年度，監管局共進行了2,382次巡查，當中1,100次是巡查一手樓盤，其餘的1,282次是巡查地產代理商舖。此外，監管局就網上物業廣告進行了579次抽查。在巡查過程中，監管局提醒從業員遵守相關法例規定，並要求他們糾正不足之處。監管局進行巡查後，就94宗涉嫌違規個案主動展開調查。

年內，監管局也調查了56名涉嫌在申請牌照時作出虛假聲明或提供虛假文件的牌照申請人。他們涉嫌未能符合法定的「適當人選」要求。

同期，監管局完成調查126宗主動展開調查的個案，其中80宗指稱成立，而當中12宗與一手物業有關。

年內，監管局共處理了7,412宗公眾和業界的查詢，涉及地產代理法例、操守和執業等事宜。





# As a regulator: law enforcement and disciplinary actions

With the mission to regulate the practice of the estate agency trade in Hong Kong, it is of utmost importance for the EAA to enforce the Estate Agents Ordinance (EAO) and its subsidiary legislation fairly and effectively.

The EAA strives to ensure compliance with legislative and regulatory requirements among practitioners mainly through investigating complaints, conducting compliance inspections and disciplining non-compliant licensees. In addition, new measures and approaches are also adopted to deal with special issues.

In response to changing market conditions, the EAA reviews the practices of the trade and issues new practice circulars from time to time to provide new guidelines and directives for the trade to follow.

## Law enforcement

### *Number of complaints, inspections and enquiries*

In 2011/12, the EAA received 498 complaints. The majority were related to second-hand residential properties, with only 27 cases, or 5%, related to first-hand residential properties.

During the same period, the EAA completed investigations into 538 complaints, of which 180, or 33%, were substantiated. Five of the substantiated cases were related to first-hand residential properties. Key allegations of the substantiated cases included mishandling/failing to explain the provisional agreement for sale and purchase (or the provisional tenancy agreement), failing to enter into estate agency agreements with clients, failing to explain the estate agency agreements to clients, and failing to conduct a land search or provide a copy of a land search to purchasers.

In the year, the EAA conducted 2,382 compliance inspections, of which 1,100 were at first-sale sites and 1,282 at estate agency shops. The EAA also carried out 579 inspections of online advertisements posted by estate agencies. During the inspections, EAA staff briefed practitioners on the various legislative requirements and gave on-the-spot advice to practitioners to rectify shortcomings. As a result of these inspections, the EAA instigated investigations into 94 suspected non-compliant cases.

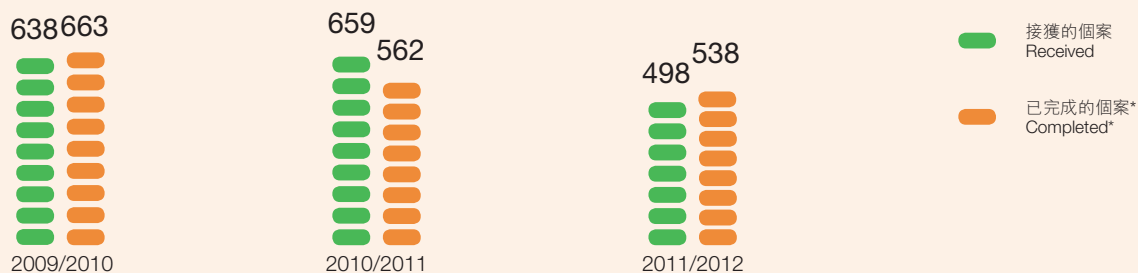
The EAA also investigated 56 licence applicants who allegedly made false declarations or provided false documents during the application procedure. They were suspected of failing to meet the statutory requirement of being “fit and proper” persons.

Of the 126 self-initiated investigations completed in the year, 80 were substantiated, 12 of which were related to first-hand residential properties.

During the year, the EAA handled 7,412 public and trade enquiries on estate agency related legal issues, conduct and practices.

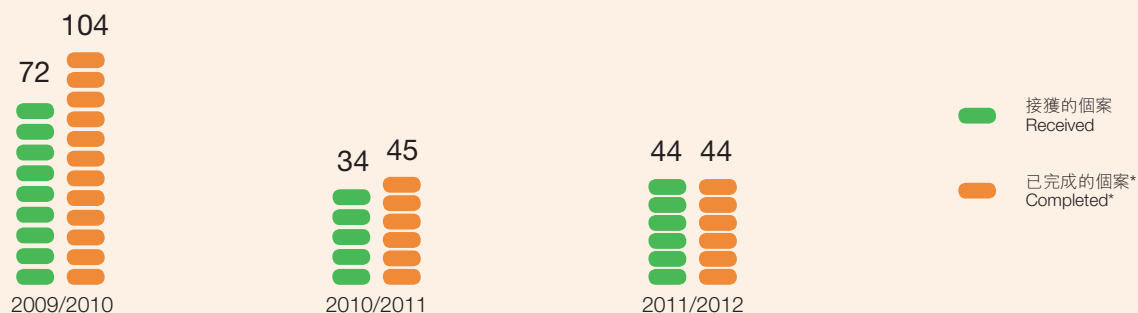
# 作為規管者：執法及紀律行動

## 投訴個案數目 Number of complaint cases



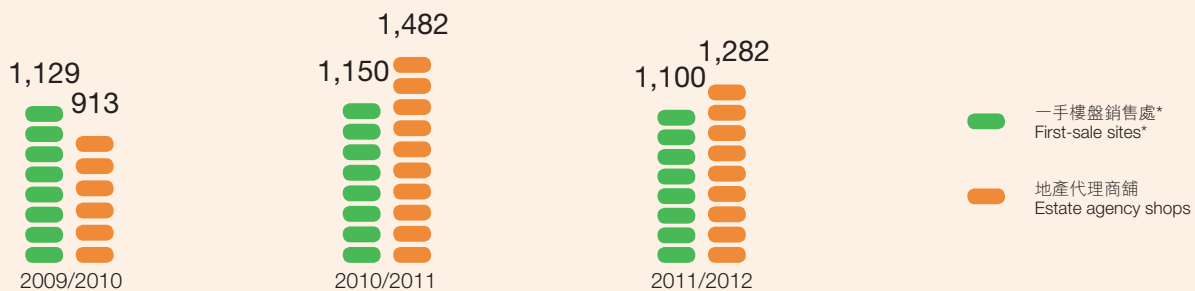
- \* 部分是往年接獲的個案，當中包括表面證據成立並轉介予紀律委員會處理的個案，以及表面證據不成立而由投訴部處理的個案。
- \* Some cases were brought forward from previous years. The figures include prima facie cases referred to and dealt with by the Disciplinary Committee and non-prima facie cases handled by the Complaints Section itself.

## 破產個案數目 Number of bankruptcy cases



- \* 部分是往年接獲的個案。
- \* Some cases were brought forward from previous years.

## 巡查次數 Number of compliance inspections



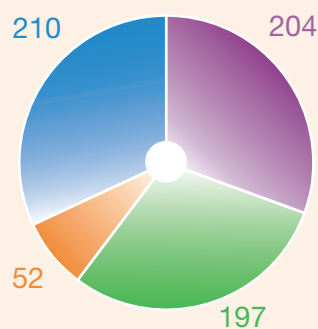
- \* 包括樓盤所在處、樓盤銷售處及其附近。
- \* Includes development sites, sales offices and vicinity areas.



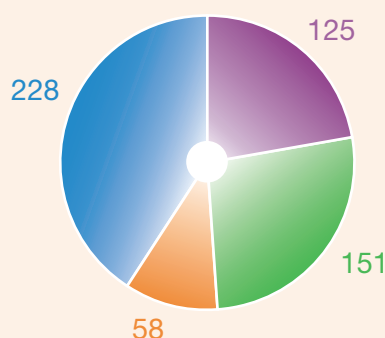
## As a regulator: law enforcement and disciplinary actions

### 已完成的投訴個案結果\* Results of completed complaint cases\*

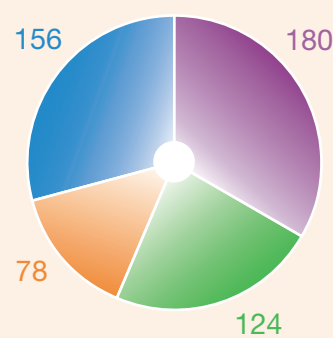
■ 指稱成立 Substantiated    ■ 指稱不成立 Unsubstantiated    ■ 資料不足 Insufficient information to pursue    ■ 其他# Others#



2009/2010  
總數 Total 663



2010/2011  
總數 Total 562



2011/2012  
總數 Total 538

\* 部分是往年接獲的個案，當中包括表面證據成立並轉介予紀律委員會處理的個案，以及表面證據不成立而由投訴部處理的個案。

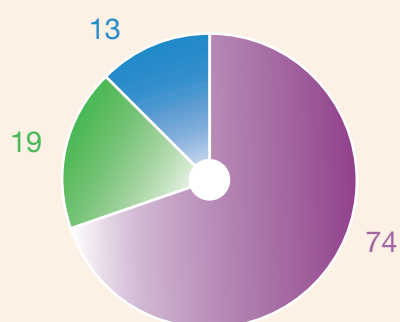
# 包括終止調查、取消投訴和未能證實的個案。

\* Some cases were brought forward from previous years. The figures include prima facie cases referred to and dealt with by the Disciplinary Committee and non-prima facie cases handled by the Complaints Section itself.

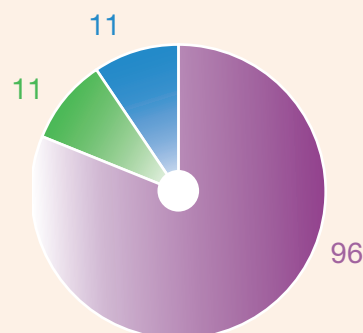
# Includes cases which were curtailed, withdrawn or not proved.

### 主動調查的個案結果\* Results of completed self-initiated investigation cases\*

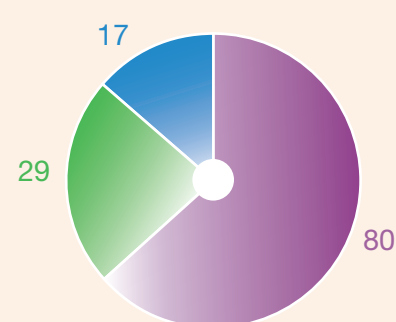
■ 指稱成立 Substantiated    ■ 指稱不成立 Unsubstantiated    ■ 其他# Others#



2009/2010  
總數 Total 106



2010/2011  
總數 Total 118



2011/2012  
總數 Total 126

\* 部分是往年接獲的個案，其中包括表面證據成立並轉介予紀律委員會處理的個案，以及表面證據不成立而由執行部處理的個案。

# 包括終止調查、取消投訴和未能證實的個案。

\* Some cases were brought forward from previous years. The figures include prima facie cases referred to and dealt with by the Disciplinary Committee and non-prima facie cases handled by the Enforcement Section itself.

# Includes cases which were curtailed, withdrawn or not proved.

# 作為規管者：執法及紀律行動

## 一手樓盤銷售

年內，從業員在一手樓盤銷售處的操守和銷售手法，繼續是監管局的工作重點之一。2011年5月，監管局修訂及更新了一份執業通告，內容關於規管從業員於銷售一手樓盤時的操守，用以取代2010年的相關通告。新增指引包括要求地產代理公司或其員工監督向參與推廣活動的員工提供樓盤銷售前的簡介會、推行服務質素監管措施，管理員工確保他們知法守法，及須向發展商取得書面批署以確保宣傳物品所載資料的準確性。

為確保地產代理在一手樓盤進行銷售活動時保持良好的秩序，監管局與其他持份者以伙伴協作模式攜手進行規管工作。在一手樓盤首次推出前，監管局會聯絡發展商、地產代理公司管理層、警方、港鐵、銷售場地的物業管理公司及其他執法單位，商討職責及工作細節並建立聯絡機制，確保各方能就處理秩序問題及迅速轉介投訴個案有效地溝通。

## 網上抽查

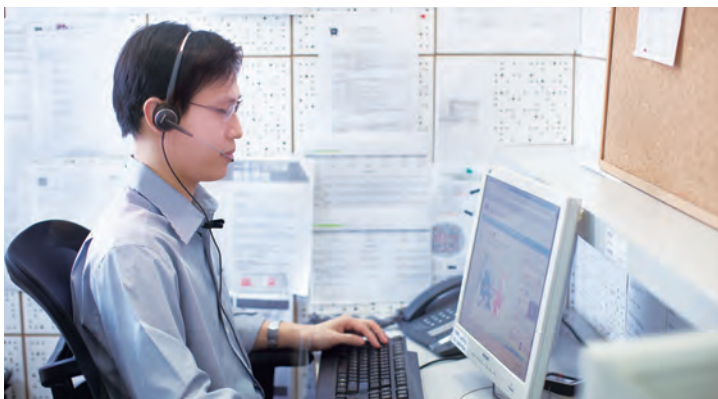
監管局對地產代理公司在網上發佈的物業廣告，進行了579次抽查。抽查的範圍包括代理公司及商業服務供應商的網站、地產代理的個人網誌及用作物業廣告的手機和平板電腦應用程式。

2012年3月，監管局於一間由內地服務供應商營運的物業網站上發現與香港一手住宅物業廣告有關的違規行為。監管局除了通知本地的執法部門及提供協助之外，並與有關內地網站營運商聯絡，商討改善方法及預防措施。

## 專題教育巡查

除了日常巡查工作外，監管局執行部人員更進行專題教育巡查，協助從業員明白及遵守執業通告的要求，例如保障個人資料。除了提醒從業員新的指引和舉措外，執行部人員亦經常提醒他們在執業時要知法守法。增強地產代理的個人專業知識，避免他們參與涉及違規的行為，亦是監管局專題教育巡查的重點。

通過探訪商舖、解答電話、電郵及傳真查詢等方式，監管局能夠直接向業內的不同持份者作出宣傳教育。



年內，監管局共處理了7,412宗有關地產代理法例、操守和執業等事宜的查詢。  
During the year, the EAA handled 7,412 enquiries relating to estate agency laws, conduct and practices.



## As a regulator: law enforcement and disciplinary actions

### First Sales

The priority for the EAA continues to be the conduct of practitioners and their sales practices at first-sale sites. In May 2011, a revised and updated practice circular concerning the conduct of practitioners for first-sales promotional activities was issued, replacing the 2010 circular. New regulations include requiring estate agencies or controllers to provide pre-sale briefings to staff who will be involved in pre-sale promotional activities; introducing quality control measures to ensure compliance by employees; and obtaining the developer's written verification that the information in the promotional materials is accurate.

To maintain order at first-sale sites, a partnership approach has been adopted to increase cooperation amongst all stakeholders. Before the first launch of a development, the EAA will liaise with the developer, management of major estate agencies, the police, the MTRC, property management of the location(s) of the first sale site(s) and other enforcement agencies, to discuss respective responsibilities and work details. Contact points have been established for effective communication in resolving order issues and the quick referral of complaints.

### Cyber patrols

The EAA conducted cyberspace patrols to spot check 579 online property listings posted by estate agencies. Areas spot-checked included websites of estate agencies and commercial service providers, personal blogs of estate agents and property listing applications used in mobile phones/tablet computers.

In March 2012, non-compliances relating to first-hand residential property advertisements in Hong Kong were found on a property website operated by a service provider based in the Mainland. The EAA provided the local enforcement agency with information and support, and liaised with the Mainland website operator to consider remedial and preventive measures.

### Thematic educational campaigns

In addition to compliance inspections, enforcement staff also conducted thematic educational campaigns to help practitioners understand the requirements stipulated in the practice circulars, such as the protection of personal data. Apart from reminding practitioners about the new guidelines and initiatives, enforcement staff regularly helped raise licensees' awareness of the importance of understanding the regulations and complying with them. These campaigns also focused on enhancing practitioners' professional knowledge, thereby assisted them to minimize potential allegations for breach of regulations.

Through shop visits and answering telephone, e-mail and fax enquiries, the EAA has been able to promote directly its educational initiatives to different stakeholders of the estate agency trade.

## 作為規管者：執法及紀律行動

### 紀律研訊

紀律委員會就持牌人的違規個案舉行紀律研訊。

2011/12年度，紀律委員會判決了279宗個案，其中267宗(佔95.7%)指稱成立。

為此，共有278名持牌人被紀律處分，其中223名為個人持牌人<sup>2</sup>，55名為公司持牌人<sup>3</sup>。

同年度，紀律委員會暫時吊銷了52個牌照，吊銷期由五天至六個月不等。受處分的持牌人涉及作出違反專業操守的行為，例如作出誤導性陳述、未有保障和促進客戶的利益，以及沒有盡量小心和盡一切應盡的努力。

共有96名持牌人被罰款，金額由1,000港元至40,000港元不等。

### 公佈持牌人的違規紀錄

為方便市民查閱持牌人的違規紀錄，提高有關資料的透明度，監管局由2011年4月28日起在其網站增設搜尋器，供公眾查閱持牌人的違規紀錄。

新的搜尋器方便易用，將搜尋步驟大為簡化，節省市民尋找資料的時間。全新的搜尋器設於監管局網站內的「紀律處分」部分，市民只需輸入欲查詢的持牌人名稱、牌照號碼或營業名稱，搜尋器便會顯示該持牌人過去兩年內的違規紀錄。

為配合新措施，監管局網站保留違規紀錄的時期，由以往的半年至一年增至兩年。此外，紀錄亦包括持牌人違規事項的簡述。



監管局紀律委員會主席馬豪輝先生(左二)與兩名委員會成員伍景華先生(左一)和劉振江先生(左三)一同主持紀律研訊。(模擬照片)  
EAA Disciplinary Committee Chairman Mr Ma Ho-fai (second from left), Members Mr Ng King-wah (first from left) and Mr Lau Chun-kong (third from left) conduct an inquiry hearing. (Simulated photo)

<sup>2</sup> 包括以獨資/合夥方式經營地產代理業務的獨資經營者/合夥人

<sup>3</sup> 有限公司



## As a regulator: law enforcement and disciplinary actions

### Inquiry hearings

The Disciplinary Committee conducts inquiry hearings into cases of non-compliance by licensees.

In 2011/12, the Disciplinary Committee adjudicated 279 cases of which 267 were substantiated (i.e. 95.7%).

As a result, a total of 278 licensees were disciplined, among whom 223 were individual licensees<sup>2</sup> and 55 company licensees<sup>3</sup>.

During the period, 52 licences were suspended for periods ranging from five days to six months. Licensees disciplined were found to have been engaged in unprofessional conduct such as making misrepresentations, failing to protect and promote the interests of their clients, or failing to exercise due care and due diligence.

A total of 96 licensees were fined, with the fines ranging from HK\$1,000 to HK\$40,000.

### Publication of licensees' disciplinary records

To facilitate the public to search for licensees' disciplinary records and to enhance the transparency of relevant information, the EAA has launched an online search engine of the licensees' disciplinary records since 28 April 2011.

The new search function has significantly reduced the steps and time needed to check the information and enabled a more convenient and user-friendly search for the public. The new search engine can be found under the section "Discipline" in the EAA's website. The public can find out the disciplinary records of any licensee in the past two years simply by inputting one of the following: the licensee's name, licence number or the licensee's business name.

The EAA website used to retain the disciplinary records for six months to one year. Upon the launch of the new search function, the period of retaining the records has been extended to two years. The records also provide a brief description of the breaches committed by licensees.

<sup>2</sup> Includes sole-proprietors and partners of estate agency firms

<sup>3</sup> Limited companies

## 作為規管者：執法及紀律行動

| 紀律研訊數目                          |           |           |           |
|---------------------------------|-----------|-----------|-----------|
| Number of Inquiry Hearings held |           |           |           |
|                                 | 2009/2010 | 2010/2011 | 2011/2012 |
| 研訊數目                            | 186       | 224       | 279       |
| Number of hearings              |           |           |           |

| 常見違規事項*                         |   | 數目 | Number |
|---------------------------------|---|----|--------|
| Common types of non-compliance* |   |    |        |
| 1.                              | 沒有簽訂地產代理協議<br>Failure to enter into an estate agency agreement  |    | 46     |
| 2.                              | 向客戶提供不準確的物業資料，或沒有查核提供予客戶的物業資料的準確性；沒有向客戶提供物業資料<br>Providing incorrect property information to client or failure to verify the accuracy of property information provided to client; failure to supply property information to client  |    | 43     |
| 3.                              | 沒有進行土地查冊／向買方或租客提供土地查冊結果的文本<br>Failure to conduct a land search/supply the land search to the purchaser/tenant   |    | 41     |
| 4.                              | 沒有確保賣方有權賣出物業；沒有確保簽署臨時買賣合約／臨時租約的人士已獲賣方／業主或買方／租客授權代為簽署<br>Failure to ensure that the vendor has the authority to sell the property; failure to ensure that the signatory was duly authorised by the vendor/landlord or purchaser/tenant to sign the Provisional Agreement for Sale and Purchase/Provisional Tenancy Agreement |    | 36     |
| 5.                              | 沒有管有訂明的物業資料<br>Failure to possess prescribed property information   |    | 22     |
| 6.                              | 沒有按照訂明表格的指示或規定填寫訂明表格<br>Failure to complete the prescribed form as directed or specified in the form  |    | 21     |
| 7.                              | 發出虛假或誤導性廣告；未得賣方書面同意而發出廣告；發出違反賣方指示的廣告<br>Issuing a false or misleading advertisement; advertising without vendor's prior written consent; advertising in contravention of vendor's instructions  |    | 19     |
| 8.                              | 沒有制定適當的程序或制度以有效控制僱員<br>Failure to exercise effective control on its/his employees by establishing proper procedures or systems  |    | 19     |
| 9.                              | 沒有披露利益<br>Failure to disclose interests   |    | 8      |
| 10.                             | 在一手樓盤銷售處附近的馬路上截車招攬生意<br>Intercepting vehicles and soliciting business in the vicinity of a first-sale site  |    | 6      |

\* 部分紀律研訊個案涉及超過一項違規事宜。

\* There was more than one type of non-compliance in some inquiry hearing cases.





## As a regulator: law enforcement and disciplinary actions

| 對持牌人或前持牌人採取的行動*   |           |           |                |
|---|-----------|-----------|----------------|
| Actions taken against licensees or former licensees*                      |           |           |                |
|   | 2009/2010 | 2010/2011 | 2011/2012      |
| 有關的持牌人或前持牌人人數<br>Number of licensees or former licensees involved         | 288       | 296       | 403            |
| <b>行動性質<sup>4</sup></b>   |           |           |                |
| <b>Type of actions<sup>4</sup></b>  |           |           |                |
| 訓誡或譴責<br>Admonishment/reprimand   | 148       | 209       | 275            |
| 罰款<br>Fine  | 50        | 101       | 96             |
| 在牌照上附加條件 <sup>5</sup><br>Attachment of conditions to licence <sup>5</sup> | 187       | 176       | 285            |
| 暫時吊銷牌照<br>Suspension of licence   | 34        | 29        | 52             |
| 撤銷牌照<br>Revocation of licence   | 0         | 0         | 9 <sup>#</sup> |

\* 以上行動是根據《地產代理條例》而作出的判決，當中有部份可能不屬於紀律性質。

# 這九宗撤銷牌照個案由牌照委員會裁定。理由是持牌人不乎合「適當人選」要求，因而不適合繼續持有牌照。

\* These actions were taken pursuant to powers under the Estate Agents Ordinance. Some actions may be disciplinary in nature and others not.

# These nine cases were decided by the Licensing Committee on the ground that the licensees concerned were considered not "fit and proper" persons to continue to hold a licence.

<sup>4</sup> 在部分個案中，會對同一持牌人作出超過一項行動。

<sup>5</sup> 部分條件乃於批出牌照時附加，其餘則隨後附加。

<sup>4</sup> In some cases more than one action was imposed on the same licensee or former licensee.

<sup>5</sup> Some conditions were attached upon the granting of licences and others attached thereafter.

# 作為規管者：執法及紀律行動

## 法律事務

監管局不時檢視業界的執業手法並發出執業通告，為地產代理業界執業手法提供指引。年內，監管局發出了三份執業通告，課題包括「一手住宅樓盤銷售－進行樓盤推廣活動的操守」、「額外印花稅」及「保障個人資料」。

為協助業界熟悉「保障個人資料」執業通告中的要求，監管局編製了一套「問與答」，並上載至本局網站。

2012年3月底，監管局亦準備了「提供二手住宅物業樓面面積的資料」的新執業通告，並於2012/13年度正式發佈。

另外，監管局於2012年1月就「規管一手住宅物業銷售建議法例公眾諮詢」的諮詢文件向政府表達意見，全力支持政府規管一手住宅物業銷售的建議法例。

年內，監管局發出了以下執業通告：

| 執業通告題目                     | 編號        |
|----------------------------|-----------|
| 一手住宅樓盤銷售(2)<br>進行樓盤推廣活動的操守 | 11-02(CR) |
| 額外印花稅                      | 11-03(CR) |
| 保障個人資料                     | 11-04(CR) |



## As a regulator: law enforcement and disciplinary actions

### Legal services

The EAA reviews the trade practices and issues practice circulars to provide guidelines and directives on estate agency practice from time to time. In the year under review, three circulars covering the topics of conduct in promotional activities in relation to the first sale of residential properties, special stamp duty and protection of personal data were issued.

To help the trade familiarise themselves with the requirements of the practice circular on “Protection of Personal Data”, a set of “Questions and Answers” on the circular was prepared and uploaded to the EAA’s website.

At the end of March 2012, the EAA also prepared a new practice circular on the provision of floor area information for second-hand residential properties for issuance in the year of 2012/13.

Separately, in January 2012, the EAA expressed views to the Government on the consultation paper on “Public Consultation on the Proposed Legislation to Regulate the Sale of First-hand Residential Properties”. The EAA gave its full support to the proposed legislation to regulate the sale of first-hand residential properties.

In the year under review, the EAA issued the following practice circulars:

| Titles of Practice Circulars  | Number     |
|---|------------|
| First Sale of Residential Properties (2)<br>Conduct in promotional activities | 11-02 (CR) |
| Special Stamp Duty  | 11-03 (CR) |
| Protection of Personal Data   | 11-04 (CR) |





持續 培訓教育 公眾

A continuous TRAINING to  
EDUCATE the trade and public

# 作為教育者：專業發展、公眾教育與對外事務

大部分的物業交易均由地產代理處理，因此，其專業水平及誠信備受公眾關注。多年來，監管局一直致力透過持續專業進修計劃提升行業的技能。為了長遠地提升持牌人的專業水平及加強對消費者的保障，監管局就持續專業進修計劃從自願性轉為強制性的相關事宜展開了深入而詳細的討論。

為繼續於行內推廣誠信文化，「誠信管理計劃」踏入第二年並出版了《優質執業手冊》。

監管局非常重視與業界的溝通。在已有的溝通方式外，監管局在本年度首次於各區舉行聚焦小組會議，直接與在前線工作的持牌人溝通。

監管局深信，教育公眾保障權益至為重要，讓他們在物業買賣／租賃時作出精明選擇。年內，監管局繼續透過各種溝通方式，與公眾分享物業交易相關的實用知識。

## 持續專業進修計劃

### 持續專業進修計劃邁向強制性以提升專業水平

為進一步提升地產代理業的專業水平和地位，監管局專業發展委員會認為，持續專業進修計劃從自願性轉為強制性，長遠而言對持牌人及消費者均有利。本年度，專業發展委員會展開了深入而詳細的討論，考慮有關自願學習模式轉為強制性培訓模式所涉及的事項，以及監管局在強制性制度下扮演的角色。

經商討後，專業發展委員會將有關的討論結果呈交監管局董事局予以考慮。董事局大致支持長遠應將現有的自願性持續專業進修計劃改為強制性。為確保持牌人接納強制性計劃，監管局會繼續與業界進行廣泛而深入的諮詢，了解業界對強制性學習制度的意見。



監管局為從業員舉辦範圍廣泛的專題講座。

EAA organised seminars on a wide variety of special topics for practitioners.



# As an educator: professional development, community education and external affairs

As the majority of property transactions are handled by estate agents, their professional standards and integrity are of great public concern. Over the years, the EAA has been striving to enhance the competency of the trade through the Continuing Professional Development (CPD) Scheme. With the purpose of enhancing the professional standards of licensees and consumer protection in the long run, the EAA conducted intensive deliberations on the issues involved in turning the current voluntary CPD scheme mandatory.

To continue to promote a culture of integrity in the trade, a guide titled *Best Practice Checklist* was published in the second year of the Integrity Management Programme.

The EAA attaches great importance to communication with the trade. Apart from the established communication channels, the EAA launched for the first time focus group meetings in different districts to communicate with frontline licensees directly.

The EAA believes it is vital to educate the public to enable them to protect their interests and make informed choices when buying/selling and leasing properties. In the year, the EAA continued to share with the public useful knowledge related to property transactions through various means of communication.

## Continuing Professional Development Scheme

### *Moving towards a mandatory CPD scheme to raise professional standards*

To further raise the professional standards and status of the estate agency trade, the Professional Development Committee (PDC) of the EAA was of the view that turning the voluntary CPD program into a mandatory one would be beneficial to both licensees and consumers in the long run. In the year under review, the PDC conducted intensive deliberations on the issues involved to migrate from a voluntary learning model to a mandatory training model and the role of the EAA under the mandatory regime.

The PDC's deliberations were submitted to the EAA Board for consideration. The Board was generally supportive of turning the current voluntary CPD scheme mandatory in the long term. To ensure licensees are receptive to the mandatory scheme, the EAA would continue to conduct extensive and in-depth consultations with the trade to gauge the trade's views on the mandatory learning regime.

## 作為教育者：專業發展、公眾教育與對外事務

### 透過誠信管理計劃建立誠信文化

為加強地產代理從業員的操守水平，監管局於2010/11年與廉政公署合作推行為期三年的誠信管理計劃。

在該計劃之下，監管局於2011年7月推出一系列提升誠信管理的新課程，並邀請學者與監管局代表就機構管治、風險管理及有效組織管理等題目進行演講。

自誠信管理計劃推行以來，行政部門陸續接獲地產代理公司及業界商會的申請，為其員工或商會成員舉辦誠信講座，並索取培訓教材作內部培訓。截至2012年3月31日，已舉辦了23場誠信講座，吸引約1,795人次參與。

為推動行業專業化及提供優質地產代理服務，監管局與廉政公署合作編製了《優質執業手冊》，就防止貪污和加強地產代理公司管治提供指引及建議。為配合《優質執業手冊》的出版，監管局與廉政公署於2012年3月30日舉辦了相關的出版儀式暨講座。儀式由監管局行政總裁和廉政公署防止貪污處助理處長一同主持。業界商會代表亦有出席以表支持。另外，約有200名從業員參加講座。



監管局行政總裁余呂杏茜女士(右四)及廉政公署防止貪污處助理處長莫華海先生(右五)一起主持《優質執業手冊》出版儀式，地產代理業界商會代表亦有出席。

EAA Chief Executive Officer Mrs Rosanna Ure (fourth from right) and ICAC Assistant Director of Corruption Prevention Mr Mok Wah-hoi (fifth from right) officiated at the launching ceremony of *Best Practice Checklist*. Representatives of the estate agency trade associations also attended.

### 持續專業進修活動的統計數字

本年度，共舉辦了476場持續專業進修活動，逾36,700人次參加，取得96,690持續專業進修學分。參與人次及所取得持續專業進修學分的增幅分別為8%及3%。





## As an educator: professional development, community education and external affairs

### *Integrity Management Programme to cultivate a culture of probity*

To strengthen the ethical standards of estate agency practitioners, the EAA jointly launched a three-year Integrity Management Programme with the Independent Commission Against Corruption (ICAC) in year 2010/11.

Under the Programme, a new series of courses to enhance integrity management was launched in July 2011. Academics and EAA representatives were invited to speak on corporate governance, risk management and effective organisational management, etc.

Since the kick-off of the Programme, the Administration has received requests from estate agencies and trade associations to conduct integrity seminars for their staff or trade members and to obtain training kits for their internal training. As at 31 March 2012, 23 sessions of the integrity seminar were held, attracting around 1,795 enrolments.

To promote professionalism and quality in estate agency practice, the EAA and the ICAC jointly compiled a *Best Practice Checklist* (BPC) providing advice and recommendations on corruption prevention and proper internal control practices for estate agencies. To complement the publication of the BPC, a launching ceremony cum seminar on the BPC was held on 30 March 2012. The ceremony was officiated by the CEO of the EAA and the Assistant Director of the Corruption Prevention Department of the ICAC. Representatives of trade associations also attended the ceremony to show their support to the BPC. About 200 practitioners joined the event.

### *Statistics of activities held*

During the year, 476 sessions of CPD activities were organised with over 36,700 enrolments. A total of 96,690 CPD points were attained. The number of enrolments and CPD points attained rose by 8% and 3% respectively.

Among the 476 sessions held, 75 were organised by the EAA with an enrolment of 16,543 (about 45% of total enrolments), up 3% over the previous year<sup>6</sup>.

<sup>6</sup> There were 16,127 enrolments for EAA-run CPD activities in 2010/11.

## 作為教育者：專業發展、公眾教育與對外事務

在476場活動中，75場由監管局舉辦，參與人次為16,543人(約佔總參與人次45%)，較去年增加3%<sup>6</sup>。

與上年度比較，由地產代理業界舉辦的持續專業進修活動，在參與人次方面亦錄得14%的增長。2011/12年度，業界商會和地產代理公司合共舉辦了357場持續專業進修活動，吸引19,069人次參加(約佔總參與人次52%)。

### 監管局持續專業進修活動摘要

#### 專題講座系列

為加強從業員對執業相關課題的理解，以及向他們介紹新政策，監管局推出了「專題講座系列」，並在2011/12年度舉辦了六場講座，專題涵蓋附有違例建築工程的住宅物業、新推出的安老按揭計劃、城市規劃與房屋供應的關係、以及2012年樓市及經濟展望等。2011/12年度，這些專題講座吸引了2,857人次參加(佔監管局持續專業進修活動參與人次的17%)。

| 持續專業進修活動<br>CPD activities |  |     | 活動數目<br>No. of sessions | % |
|----------------------------|--|-----|-------------------------|---|
| <b>(1) 核心／非核心</b>          | <b>Core/Non-core</b>   |     |                         |   |
| 核心                         | Core   | 373 | 78                      |   |
| 非核心                        | Non-core   | 103 | 22                      |   |
| <b>(2) 費用</b>              | <b>Fees</b>  |     |                         |   |
| 收費                         | Fee-paying   | 244 | 51                      |   |
| 免費                         | Free of charge   | 218 | 46                      |   |
| 部分獲政府資助                    | Partly Government-subsidised                                     | 14  | 3                       |   |
| <b>(3) 語言</b>              | <b>Language</b>  |     |                         |   |
| 粵語                         | Cantonese  | 413 | 87                      |   |
| 粵語／英語                      | Cantonese/English  | 6   | 1                       |   |
| 英語                         | English  | 17  | 4                       |   |
| 普通話                        | Putonghua  | 40  | 8                       |   |
| <b>(4) 主辦機構</b>            | <b>Organiser</b>   |     |                         |   |
| 監管局                        | EAA  | 75  | 16                      |   |
| 地產代理商                      | Agency firms   | 338 | 71                      |   |
| 業界商會                       | Trade Associations   | 19  | 4                       |   |
| 專上／培訓機構及<br>其他公營機構         | Tertiary/training institutions and<br>other public organisations | 44  | 9                       |   |
| <b>(5) 地點</b>              | <b>Location</b>  |     |                         |   |
| 香港島                        | Hong Kong Island   | 171 | 36                      |   |
| 九龍                         | Kowloon  | 259 | 54                      |   |
| 新界                         | New Territories  | 40  | 9                       |   |
| 網上遙距學習<br>(例如：網上個案研習)      | Web-based distance learning<br>(e.g e-Quizzes)                   | 6   | 1                       |   |

<sup>6</sup> 2010/11年度，監管局舉辦的持續專業進修活動共有16,127人次參與。



## As an educator: professional development, community education and external affairs

The estate agency trade's participation in organising CPD activities also recorded a 14% increment in the number of enrolments compared to the previous year. In total, 357 sessions of CPD activities were organised by either trade associations or estate agencies in 2011/12, attracting 19,069 enrolments (about 52% of total enrolments).

### Highlights of CPD activities organised by EAA

#### Special Topic Series

To enhance practitioners' general understanding of practice-related issues and update their knowledge on new policies, the EAA organised talks under the "Special Topic Series". In 2011/12, six seminars were held under this series covering topics on residential properties with unauthorized building works; the newly launched reverse mortgage scheme; the relationship between town planning and housing supply, and the property market and economic outlook in 2012, etc. These topical talks attracted 2,857 enrolments (17% of enrolments of EAA CPD activities) in 2011/12.

#### Seminars on new practice circulars

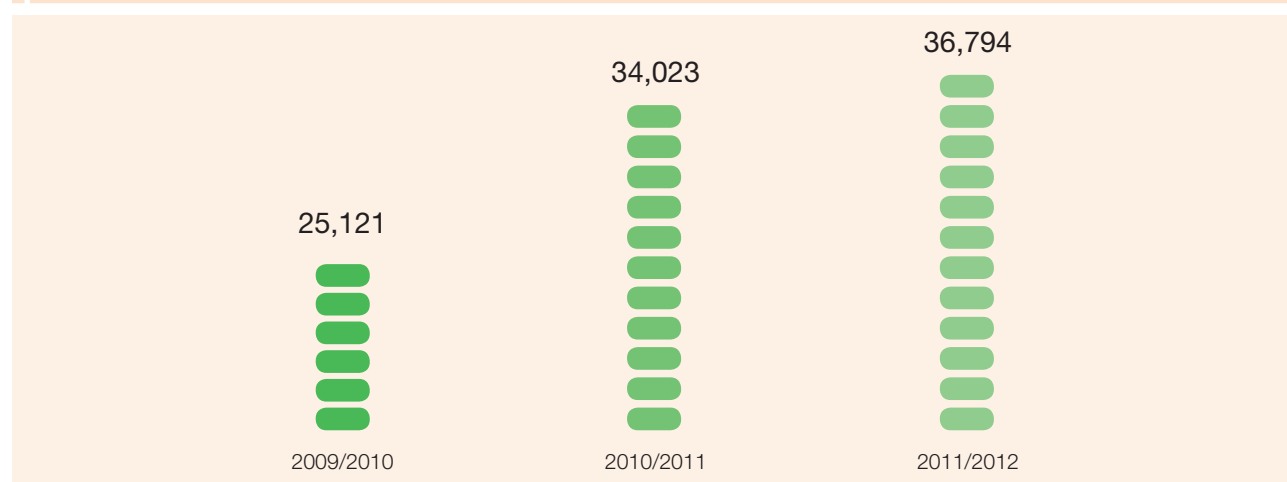
To help practitioners familiarise themselves with the provisions of the new practice circulars, relevant CPD seminars were organised. Major circulars issued in 2011/12 which were covered at these seminars included the new guidelines on the sale of first-hand residential properties, the Special Stamp Duty and the protection of personal data.

#### Seminars on practice-related issues

To facilitate licensees to keep abreast of the latest knowledge in relation to their daily practice, the EAA arranged officials from the Land Registry and the Rating and Valuation Department to brief licensees on the enhanced functions of their property information search systems. Furthermore, the EAA invited a surveyor to share with practitioners some interesting court cases on interpretation of the Deed of Mutual Covenants and Building Management Ordinance.

### 持續專業進修活動的參與人次

#### Enrolment in CPD activities



## 作為教育者：專業發展、公眾教育與對外事務

### 新執業通告講座

為了令從業員熟悉新執業通告的規定，監管局舉辦了相關的持續專業進修講座。2011/12年曾舉辦講座的執業通告包括一手住宅物業銷售的最新指引、額外印花稅及保障個人資料。

### 執業相關課題講座

為協助持牌人及時掌握執業相關的最新知識，監管局安排了土地註冊處及差餉物業估價署的人員，向持牌人講解其物業資料搜尋系統的新增功能。另外，監管局邀請了測量師向從業員分享一些有關大廈公契和《建築物管理條例》的有趣法庭案例。

### 為新入職持牌人及分行經理舉辦的培訓課程

2011/12年度，監管局繼續為新入職持牌人及分行經理舉辦兩個為期24小時的培訓課程。年內，這兩個課程吸引了5,800人次參加(佔監管局持續專業進修活動參與人次的35%)。

## 公眾教育與對外事務

### 與傳媒關係

為提高公眾對其角色及工作的了解和支持，監管局與傳媒保持緊密聯繫，年內不時與傳媒午餐聚會，包括在2012年2月舉辦傳媒春茗。此外，為增加傳媒報道，監管局於2011/12年度舉行了四次記者會，並就各項主要措施共發表20篇新聞稿。監管局主席、行政總裁、各委員會主席及行政部門高層管理人員亦接受了電子及印刷傳媒合共18次專訪。



年內，監管局舉行了四次記者會，並就各項主要措施共發表20篇新聞稿。

In the year under review, the EAA organised four press conferences and issued 20 press releases on various major initiatives.



## As an educator: professional development, community education and external affairs

### Structured training courses for new licensees and branch managers

In 2011/12, the EAA continued to run the two structured training courses of 24-hours duration each for new licensees and branch managers. During the year, these two courses attracted 5,800 enrolments (35% of enrolments of EAA CPD activities).

### Community education and external affairs

#### *Media relations*

To enhance the public's understanding of and support for the role and work of the EAA, the EAA maintained close contact with the media through luncheons and gatherings throughout the year, including the Chinese New Year gathering with journalists held in February 2012. To maximise media coverage, in 2011/12, the EAA organised four press conferences and issued 20 press releases on various major initiatives. A total of 18 feature interviews with the EAA Chairman, the CEO, committee chairmen and other senior management of the Administration with print and electronic media were also arranged.

In 2011/12, the EAA cooperated with Cable TV to produce a consumer education segment in its programme "Property Outlook". A series of 5-to-10-minute long segments were produced, in which selected inquiry hearing cases were narrated through animation, followed by an interview with EAA's senior staff on the points to note for consumers. The segments have been aired on Saturday nights in "Property Outlook" on the finance info channel of Cable TV since September 2011. A total of 15 episodes were aired in 2011/12. The feedback was positive and the links to the episodes were also uploaded to the "Consumer Corner" of the EAA website for public viewing.

To complement this TV series, a new consumer education column in a weekly magazine *Property Browser* was also published from September 2011 and the EAA contributed 15 articles to the magazine in 2011/12.

Moreover, the EAA contributed consumer education articles to a monthly column on *Sing Tao* property website from April 2011 to January 2012. Later in February 2012, the EAA also started to collaborate with *Wen Wei Po* by contributing articles to their property page every three weeks. Three articles were published in *Wen Wei Po* in 2011/12.

## 作為教育者：專業發展、公眾教育與對外事務

2011/12年度，監管局與有線電視聯合製作一系列消費者教育報道，並於「樓盤傳真」節目中播放。系列報道每集長約五至十分鐘，以動畫敘述精選紀律研訊案例，配合監管局高層人員的訪問，為消費者帶出應留意的事項。該報道由2011年9月起，於星期六晚在有線電視財經資訊台「樓盤傳真」節目中播放。2011/12年度內共播放了15集，反應正面，節目連結亦已上載於監管局網站的消費者專區，讓公眾瀏覽。

為配合此電視節目系列，監管局於2011年9月開始在周刊《超級睇樓王》發表全新消費者教育專欄，2011/12年度內共刊登了15篇文章。

另外，監管局於2011年4月至2012年1月間，在「星島地產網」的每月專欄中刊登消費者教育文章。隨後，2012年2月開始與《文匯報》合作，每三星期一次在地產版刊登文章，2011/12年度已共發表了三篇文章。

### 消費者教育

2011/12年度，監管局加強推行消費者教育，除了更緊密地與傳媒合作，更主動接觸普羅大眾。



監管局於港鐵站舉辦巡迴展覽，以加強公眾教育。  
The EAA organised roving exhibitions at MTR stations to enhance consumer education.

監管局於2012年3月在深水埗、柴灣及坑口港鐵站舉辦巡迴展覽，透過展板及錄像向公眾提供實用的資訊，並派發《置業須知》及《訂立租約須知》等刊物，以及印有監管局聯絡方法的紀念筆。合共約600人前往展覽攤位索取資料。監管局將於2012年下旬在各區再次舉辦巡迴展覽。

監管局亦繼續出版不同刊物，為從業員提供實用的資訊及參考資料，其中，監管局年報是向公眾及持份者更有效及透明地報告工作詳情的重要刊物。2011/12年度，監管局亦於四期持牌人通訊《專業天地》中，刊登選輯紀律研訊案例。

## As an educator: professional development, community education and external affairs

### *Consumer education*

The EAA has stepped up its efforts in consumer education not only through more collaboration with the mass media but also reaching out to the community in 2011/12.

The EAA held roving exhibitions at MTR stations of Sham Shui Po, Chai Wan and Hang Hau in March 2012. Apart from exhibition panels and videos which contained useful information to the public, EAA publications including *Guide to Purchasing Properties* and *Notes on Signing a Tenancy Agreement*, as well as a souvenir banner pen with EAA's contact details, were distributed to the public. A total of about 600 people approached the exhibition booth and obtained the materials. Another round of exhibitions would be held at different districts in late 2012.

The EAA also continued to issue a wide variety of publications to provide practitioners with useful information and points of reference. The *Annual Report* is one of the important publications to communicate the EAA's work more effectively and transparently to the public and stakeholders. Selected inquiry hearing case studies were also published in four issues of the licensee newsletter *Horizons* in 2011/12.

### *Liaison with the trade, the Government and other bodies*

The EAA attaches great importance to communicating with the trade the initiatives and the work of the EAA through different channels. As part of a regular dialogue with the trade, the EAA held four quarterly trade liaison meetings with the representatives of major trade associations in 2011/12. At these meetings, the trade representatives were informed of EAA's new initiatives and issues of mutual concern were discussed. Separately, to enhance the estate agency management's understanding of the new EAA initiatives and to remind them to adopt appropriate measures to ensure compliance by their front-line staff, forums and briefing sessions targeted at the management of estate agencies were also held.

In 2011/12, the EAA conducted four focus group meetings in Yau Ma Tei, Sheung Shui, Sai Wan and Kwun Tong. It is a new communication channel for the EAA to liaise with the frontline practitioners. Through these meetings, information on trends, practices and problems encountered by the practitioners were reviewed and discussed, thus helping us to formulate practical policies and measures for the trade to follow. Feedback from the attending licensees was positive overall. The EAA will continue this communication channel and hold similar meetings in other districts.

The EAA is always supportive of regulatory measures that can enhance the transparency of property transactions and the protection of consumers' rights and interests. From time to time, the EAA receives letters from different Government departments which wish to remind estate agency practitioners about different subjects that may be of concern to the trade. In this regard, the EAA invited the Office of the Licensing Authority and the Rating and Valuation Department to share their views and opinions in *Horizons* in March 2012. Throughout 2011/12, a total of four issues of *Horizons* were published. The newsletter kept the licensees informed of the EAA's new regulatory measures and latest activities. Members of the public could also read the newsletter through the EAA's website.

### 與業界、政府及其他組織的聯繫

監管局非常重視以不同溝通方式與業界保持聯繫，讓其知悉本局的舉措及工作。2011/12年度，監管局與主要業界商會代表舉行四次季度的業界聯絡會議，作為雙方定期交流的一部分。商會代表透過會議了解監管局的新舉措，並討論共同關注的事宜。監管局亦為地產代理公司的管理層舉辦論壇和簡介會，務求提升他們對監管局新舉措的了解，及提醒他們採取適當步驟，確保前線員工守法循規。

2011/12年度，監管局於油麻地、上水、西環及觀塘舉辦了四次聚焦小組會議。這是監管局與前線從業員溝通的新方式。會議上，監管局人員與從業員就業界趨勢、執業手法及問題等進行討論，以協助監管局制定可行的政策及措施。整體來說，參加會議的持牌人反應正面，而監管局將繼續採取這種溝通方式，並會於其他地區舉辦類似會議。

監管局一向支持能提升物業交易透明度及保障消費者權益的規管措施。本局不時收到政府不同部門的來信，表示希望向地產代理從業員反映各種可能受業界關注的事項。有見及此，監管局邀請牌照事務處及差餉物業估價署於2012年3月份的《專業天地》中分享文章。2011/12年度共出版了四期《專業天地》，讓持牌人知悉監管局的最新規管措施及動態。公眾亦可透過監管局網站瀏覽該通訊。

2011年11月底，政府發表了「規管一手住宅物業銷售建議法例公眾諮詢」的諮詢文件，監管局隨即於12月邀請運輸及房屋局代表向地產代理業界講解該建議法例。2012年1月，監管局向政府提交正式回應，表示全力支持政府的建議法例。

監管局與各持份者、法定及專業機構合作並保持密切聯繫，包括立法會、運輸及房屋局、發展局、保安局禁毒處、警務處、廉政公署、消費者委員會、職業訓練局、香港測量師學會及英國皇家特許測量師學會。年內，監管局亦與不同政府／專業機構保持緊密聯繫，如中國房地產估價師與房地產經紀人學會，以及深圳市房地產經紀行業協會等。



## As an educator: professional development, community education and external affairs

In December 2011, after the Government released the consultation paper on “Public Consultation on the Proposed Legislation to Regulate the Sale of First-hand Residential Properties” in late November 2011, the EAA invited representatives of the Transport and Housing Bureau to brief the estate agency trade on the proposed legislation to regulate the sale of first-hand residential properties. Later in January 2012, the EAA submitted an official response to the Government, giving full support to the Government on the proposed legislation.

The EAA maintained close liaisons with various stakeholders, statutory and professional bodies, such as the Legislative Council, Transport and Housing Bureau, Development Bureau, Narcotics Division of the Security Bureau, Police, Independent Commission Against Corruption, Consumer Council, Vocational Training Council, Hong Kong Institute of Surveyors and Royal Institution of Chartered Surveyors. During the year, the EAA also kept close contact with different government/professional counterparts such as the China Institute of Real Estate Appraisers and Agents and the Shenzhen Real Estate Broker Trade Association.



年內，監管局舉辦了四次聚焦小組，與前線從業員交流意見。

In the year under review, the EAA organised four focus group meetings to exchange views with frontline practitioners.





緊密 **協作群力**  
群策 群力

A COHESIVE team to  
accomplish CORPORATE GOALS

# 監管局財務、員工與行政

## 財務

2011/12年度，監管局審計報告出現2,330萬元盈餘(2010/11年度的盈餘為1,280萬元)。去年仍有牌費寬免計劃270萬元入帳，此特殊項目減少了上年度審計報告內之牌費收入及年度盈餘。撇除牌費寬免計劃對去年帳目之影響，監管局上年度的實質盈餘應為1,550萬元。

監管局於本年度之總收入為8,030萬元，較上年度增加990萬元或14.1%，收入增加之原因為牌照數目持續上升，令牌費收入增加。其中牌費收入為6,870萬元，較上年度增加670萬元或10.8%，由於去年仍有牌費寬免計劃270萬元入帳，此特殊項目減少了上年度審計報告內之實際牌費收入。其他增加為考試費收入、利息收入及出售固定資產收入合共50萬元。

監管局本年度之總開支為5,690萬元，較上年度減少60萬元或1.1%。監管局在設備折舊、器材維修保養、保險、員工薪金及專業服務費方面均有所增加。至於公眾教育、汽車營運支出、郵費、印刷及文具，宣傳及廣告，考試服務費及培訓活動開支方面則較上年度減少。

## 行政

監管局的行政部門由行政總裁領導。截至2012年3月31日，監管局的職員編製有88.5<sup>7</sup>名員工(2011年3月31日則為86人)。殘疾僱員佔整體僱員數目1.1%。2011/12年度的員工流失率為32%。

監管局竭力培養積極主動、正面及以表現為本的機構文化，務求提升服務質素，滿足公眾日增的期望。過去一年，監管局推行架構重組及強調員工的績效表現，這可能是造成高流失率的部分原因。

監管局向來重視員工之間的溝通。員工委員會的設立，提供了一個由下而上的溝通機制，讓前線員工能直接向高層表達意見。監管局也舉辦了行政總裁論壇，提供平台，令行政總裁有效地向前線員工講解機構發展的舉措，以及新的主要政策。

為提升員工能力以應付機構不斷變化的要求，監管局在年內舉辦多個重點培訓課程，包括為管理層員工而設的管理發展、為前線員工而設的積極自我管理及正面思考方式，以及為主任級或以上員工而設的商業寫作技巧。



監管局為前線員工舉辦積極自我管理及正面思考方式培訓活動。  
The EAA organised training programmes on proactive self-management and positive thinking skills for frontline staff.

<sup>7</sup> 監管局採取聘請半職員工的政策。兩名半職員工相等於一名全職員工。



# EAA finance, staff and administration

## Finance

For the year under review, the EAA reported a surplus of \$23.3 million (as compared to a surplus of \$12.8 million in 2010/11). Last year, the balance of the licence fee concession of \$2.7 million was booked against the licence fee income, resulting in a reduction of both the fee income and surplus reported in the audit accounts for that year. Without the licence fee concession, last year's surplus should be \$15.5 million.

Income for the year under review was \$80.3 million, an increase of \$9.9 million or 14.1% over the previous year. The increase was mainly due to the continued growth in the number of licensees, resulting in licence fee income reported at \$68.7 million, an increase of \$6.7 million or 10.8% over the previous year. As mentioned, the balance of the licence fee concession of \$2.7 million was booked against the licence fee income for last year, thereby reducing last year's actual income. Other increase of \$0.5 million came from the slight increase in examination fee income, interest income and disposal of property.

Expenditure for the year was \$56.9 million, a slight decrease of \$0.6 million or 1.1% compared to last year. Items that saw major increases in expenditure were depreciation, equipment maintenance, insurance, staff costs and professional service fee. Items that saw major decreases in expenditure were community education, motor vehicle operating expenses, postage, printing & stationery, publicity and advertising, service fees for examinations and training activity expenses.

## Administration

The EAA Administration is headed by the Chief Executive Officer. As at 31 March 2012, the staff establishment was 88.5<sup>7</sup> (as compared to 86 as at 31 March 2011). The percentage of employees with disabilities was 1.1%. The staff turnover rate for 2011/12 was 32%.

As we strive to enhance the quality of our services to meet rising public expectations, efforts have been put into building a proactive, positive and performance-driven corporate culture. Organisational restructuring and emphasis on performance might partly account for a higher attrition rate in the past year.

Emphasis continued to be put on staff communication. For bottom-up communication, the Staff Committee served as a mechanism for frontline staff to have a direct dialogue with senior management. To cascade messages to the frontline, the CEO's Forum provided a platform for the CEO to brief staff on the corporate development initiatives and explain new major policies.

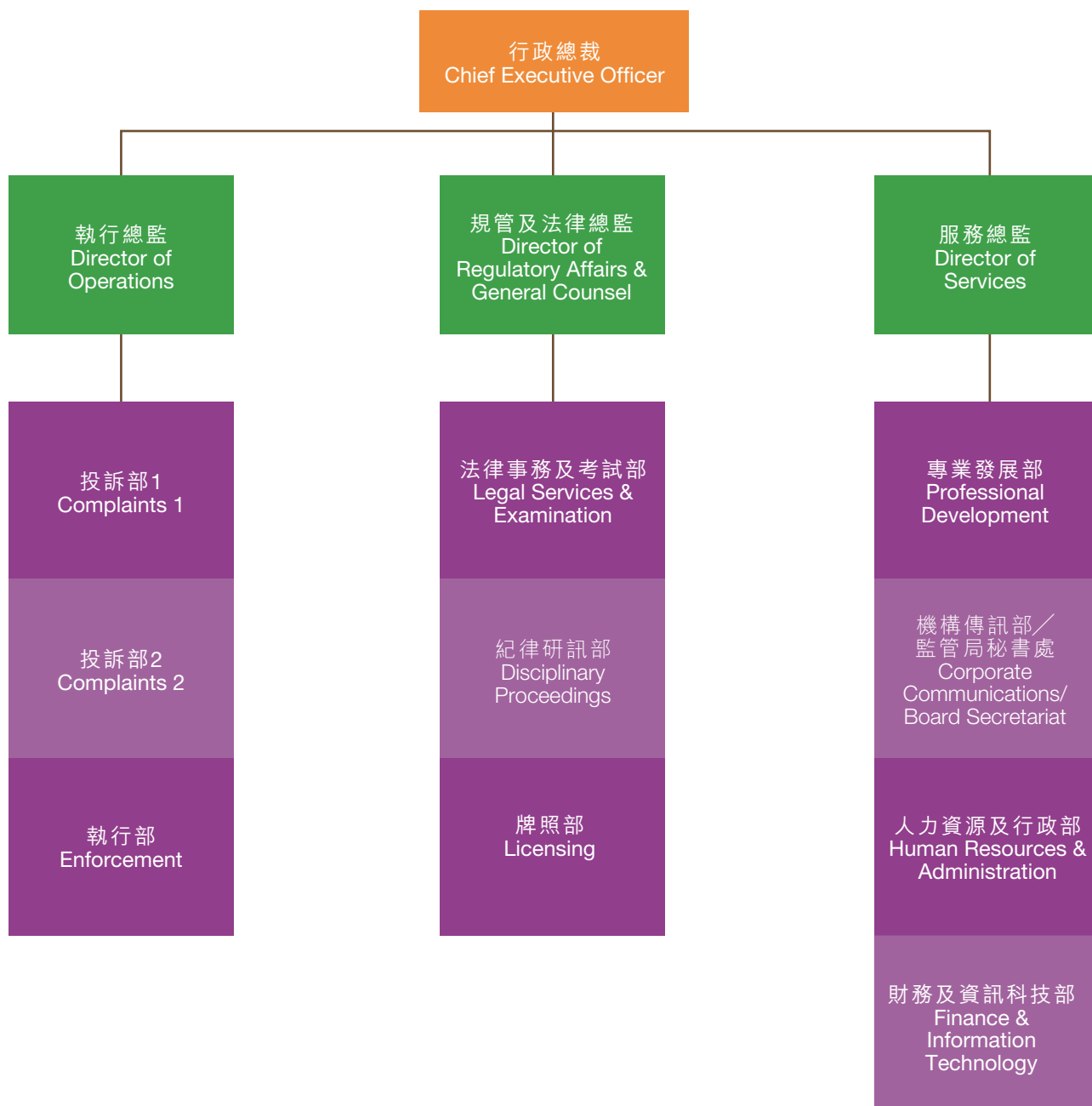
To enhance staff capabilities to meet changing organisational needs, several key training programmes, including management development for supervisory and managerial staff, proactive self-management and positive thinking skills for frontline staff, and business writing skills for officers and above, were organised in the year.

<sup>7</sup> The EAA has employed a strategy of hiring half-time staff. Two half-time staff are equivalent to one full-time employee.

# 監管局財務、員工與行政

監管局行政部門組織架構圖

Organisation chart of the EAA Administration



## EAA finance, staff and administration

### 總監級以下的編制

#### Non-directorate staff establishment

| 職級        | Rank                         | 數目 Number         |
|-----------|------------------------------|-------------------|
| 高級經理／法律顧問 | Senior Manager/Legal Counsel | 2                 |
| 經理        | Manager                      | 9                 |
| 助理經理      | Assistant Manager            | 11                |
| 調查主任      | Investigator                 | 3                 |
| 主任        | Officer                      | 21.5 <sup>8</sup> |
| 行政助理      | Administrative Assistant     | 7                 |
| 助理主任      | Assistant Officer            | 2                 |
| 高級文員      | Senior Clerk                 | 15                |
| 文員        | Clerk                        | 14                |

### 行政總裁和總監<sup>9</sup>的薪酬

#### Remuneration of Chief Executive Officer and Directors<sup>9</sup>

本年度支付予行政總裁和總監的薪酬<sup>10</sup>如下：

The total remuneration<sup>10</sup> of the Chief Executive Officer and directors during the year was as follows:

|                       |                            | 人數 Number of individuals |
|-----------------------|----------------------------|--------------------------|
| 500,001元至1,000,000元   | \$500,001 to \$1,000,000   | 0                        |
| 1,000,001元至1,500,000元 | \$1,000,001 to \$1,500,000 | 0                        |
| 1,500,001元至2,000,000元 | \$1,500,001 to \$2,000,000 | 2                        |
| 2,000,001元至2,500,000元 | \$2,000,001 to \$2,500,000 | 2                        |
| 合計                    | <b>Total</b>               | <b>4</b>                 |

<sup>8</sup> 兩名半職主任相等於一名全職主任

<sup>8</sup> Two half-time Officers are equivalent to one full-time Officer.

<sup>9</sup> 監管局共有三位總監級員工

<sup>9</sup> There are 3 directorate staff.

<sup>10</sup> 包括約滿酬金和按表現酌情發放的獎金(如適用)

<sup>10</sup> Includes gratuity and discretionary performance award, if applicable.

## 監管局財務、員工與行政

### 環保辦公室

為保護環境及節省地球資源，監管局把不再使用的辦公室傢具及設備(如電腦及打印機)捐贈予慈善機構，將資源循環再用。

為減少獨立打印機的數目，我們在辦公室設置了數部集合影印、列印、掃描及傳真於一體的多功能影印機，並在辦公室提倡雙面列印及按實際需要的列印模式。打印機的數量減少令臭氧排放量降低，有助改善辦公室的空氣質素。監管局也採用了電子薪酬通知單，以節省紙張、印刷及行政資源。另外，會議中使用平板電腦，也降低紙張的耗用量。

### 資訊科技系統的保安

為配合未來發展，監管局於年內改善了資訊科技的基礎設施。我們繼續高度重視系統保安，並對相關政策作出妥善調整。監管局亦推出更換計劃，在兩個財政年度內全面更換已使用長達10年的桌上電腦。





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|  |  |
|  | <b>EAA finance, staff and administration</b> |
|  |  |
|  |  |

### Green office

To protect the environment and save the earth's resources, we donated obsolete office furniture and equipment (e.g. PCs and printers) to charitable organisations for recycling.

To reduce the number of stand-alone printers in the office, multi-functional copiers with photocopying, printing, scanning and fax functions, were installed. Duplex printing and printing on a need basis were promoted within the office. The reduction of printers in the office also helped to improve the air quality by lowering the emissions of ozone molecules. Electronic salary advice was implemented to save paper, printing and administrative resources. Tablets were used at meetings to cut down on the consumption of paper.

### IT system security

To anticipate for future developments, the EAA IT infrastructure was strengthened over the period. System security is always a top priority and related policies were fine-tuned. A replacement exercise was started with all existing desktop PCs, which had served the EAA for 10 years, be replaced by new desktop PCs in two consecutive financial years.





良好 管治 公信  
維護



A good corporate GOVERNANCE  
to safeguard CREDIBILITY

# 機構管治

作為一個負責任的規管機構，監管局一直着重保持良好的機構管治，並致力維持高公信力和透明度，以及體現問責精神，從而加強公眾對監管局的信心。

## 監管局董事局及行政架構

董事局是監管局的最高決策組織，負責制定所有主要政策，包括機構發展計劃和預算案。董事局亦負責指導和監察監管局行政部門的工作及表現。

監管局所有董事局成員由香港特別行政區行政長官委任，設有正、副主席各一名及普通成員18名。成員來自社會上不同界別，包括地產代理行業和運輸及房屋局。

監管局董事局以下設有五個常設委員會和一個專責小組，負責處理監管局不同範疇的工作。本年度委員會和專責小組的職權範圍及成員名單載於附錄一。董事局可不時就處理特別事宜，成立其他專責小組，亦可委任非監管局成員的其他人士(即董事局委任成員)，參與委員會、專責小組或工作小組的工作。

2011/12年度，董事局舉行了四次會議，審議了59份文件。董事局成員出席董事局會議和委員會會議的平均出席率為84%。董事局、常設委員會及專責小組的會議次數、經審議的文件數目及平均出席率如下：

| 監管局董事局        |     |
|---------------|-----|
| 2011/12年度會議數目 | 4   |
| 平均出席率         | 94% |
| 經審議的文件數目      | 59  |



# Corporate governance

As a responsible regulator, the EAA is committed to high standards of corporate governance and strives to uphold a high level of accountability, credibility and transparency, to foster public confidence in the EAA.

## The EAA Board and Administration

The Board is the highest decision-making authority of the EAA. It sets all major strategies and policies including the corporate plan and budget, directs and monitors the performance and activities of the Administration.

All EAA Board Members are appointed by the Chief Executive of the Hong Kong Special Administrative Region. The Board consists of a Chairman, a Vice-chairman, and 18 ordinary members from various sectors of the community, including the estate agency sector and the Transport and Housing Bureau.

There are five standing committees and one panel under the EAA Board to oversee the various aspects of the EAA work. The terms of reference and memberships of the committees and panel during the year are at Annex 1. The Board may from time to time set up working parties or groups to deal with specific issues and may appoint other persons (Board-appointed Members) who are not members of the EAA Board to the committees, panels or working groups.

In the year 2011/12, the Board met four times and considered 59 papers. The average attendance rate of Board Members at the Board and Committees meetings was 84%. The number of meetings, papers considered and the average attendance rate of the meetings of the Board, standing committees and working panel were as follows:

| The EAA Board                      |     |
|------------------------------------|-----|
| Number of meetings held in 2011/12 | 4   |
| Average attendance rate            | 94% |
| Number of papers considered        | 59  |

# 機構管治

## 常設委員會及專責小組

| 常設委員會及專責小組 | 2011/12年度<br>會議數目 | 董事局成員<br>平均出席率 | 經審議的<br>文件數目 |
|------------|-------------------|----------------|--------------|
| 財務及策略發展委員會 | 3                 | 80%            | 16           |
| 紀律委員會      | 2                 | 82%            | 9            |
| 牌照委員會      | 6                 | 72%            | 7            |
| 執業及考試委員會   | 3                 | 79%            | 16           |
| 專業發展委員會    | 2                 | 83%            | 17           |
| 第28條調查小組   | 3                 | 100%           | 2            |

監管局行政總裁負責領導行政部門，落實監管局的政策及管理其運作。

## 誠信及公正性

監管局實施兩層的申報利益制度，以維持公眾對其董事局成員的誠信，以及他們提交意見的公正性的信心。監管局董事局成員及委任成員獲委任後，須透過訂明表格向監管局申報其利益，並每年更新資料。此外，他們須於監管局所有會議上，申報涉及監管局所審議任何主題或事宜的利益，以及任何與監管局事務有利益衝突或潛在利益衝突的事件詳情。公眾可要求查閱紀錄有關利益申報詳情的登記冊。

在有關土地和物業權益方面，監管局的所有成員均須申報其在香港或海外的任何實益權益。須登記的權益包括：成員名下所持有、透過其他公司或個人間接持有、或其有權處置、或能從中獲得任何金錢利益的土地或物業。監管局行政部門的管理職級人員亦須遵循類似的規定申報利益。

年內，監管局收緊了行政部門員工離職後的就業限制安排，以滿足日益提高的公眾期望。繼2011年2月將行政總裁和總監的離職後就業限制期分別由四個月及三個月延長至一年及六個月，2011年5月起，行政部門經理級員工的離職後就業限制期為兩個月，同時，包括行政總裁和總監在內的所有員工，均不可於任職監管局期間及離職後兩個月內參加地產代理或營業員資格考試。

在《防止賄賂條例》下，所有監管局董事局成員及員工均被視為「公職人員」。



## Corporate governance

### Standing Committees and Working Panel

| Standing Committees and Working Panel       | Number of meetings held in 2011/12 | Average attendance rate of Board Members | Number of papers considered |
|---|------------------------------------|--|-----------------------------|
| Finance and Strategic Development Committee | 3                                  | 80%                                      | 16                          |
| Disciplinary Committee                      | 2                                  | 82%                                      | 9                           |
| Licensing Committee                         | 6                                  | 72%                                      | 7                           |
| Practice and Examination Committee          | 3                                  | 79%                                      | 16                          |
| Professional Development Committee          | 2                                  | 83%                                      | 17                          |
| Section 28 Investigation Panel              | 3                                  | 100%                                     | 2                           |

The Administration of the EAA is led by the Chief Executive Officer, who is responsible for implementing the EAA's policies and managing the EAA's operations.

### Integrity and impartiality

To maintain public confidence in the integrity of Board Members and the impartiality of their advice, the EAA adopts a two-tier reporting system. Board Members and Board-appointed Members are required to register their interests with the EAA, through declaring their interests in a prescribed form upon their appointment to membership and annually thereafter. They are also required to declare their interests at all EAA meetings in any subject and matter under consideration by the EAA, and any conflict of interest or any potential conflict of interest they may have with the affairs of the EAA. The register of interests is available for public inspection upon request.

Regarding interests in land and property, all EAA Board Members are required to declare any beneficial interests in Hong Kong or overseas. Registrable interests include land or property owned by a Member in his/her name or held indirectly through another company or person. It also includes land or property which a Member has a right over its disposition or has any pecuniary interest deriving from it. All managerial officers of the EAA Administration adopt a similar requirement in declaring their interests in land and property.

The post-employment sanitization arrangement for the Administration was also tightened in the year to meet rising public expectation. Further to the arrangement in February 2011 of extending the CEO and Directors' sanitization period from four months to one year and from three months to six months respectively, the Administration introduced in May 2011 a sanitization period of two months on managers and a prohibition on all staff, including the CEO and Directors, to take the estate agents or salespersons qualifying examinations during and within two months after service.

All Board Members and employees of the EAA are considered "public servants" for the purpose of the Prevention of Bribery Ordinance.

# 機構管治

## 問責性及透明度

董事局為監管局制定了一套機構授權指引，加強問責。有關指引訂明董事局授權予常設委員會、專責小組和監管局行政部門的職權範圍，藉此確保監管局具備完善的制衡措施。

作為負責任及靈活應變的規管機構，監管局設有對公眾的服務承諾制度，並定期檢討服務是否達標。2011/12年度的服務達標情況令人滿意，有關詳情載於附錄二。

監管局自2010年7月2日起被納入申訴專員的監管範圍。2011/12年度，共接獲五宗申訴專員轉介的個案。所有個案經研究及解釋後結束，均無須採取進一步行動。

為提高工作的透明度，監管局每年向運輸及房屋局局長提交一份年報，並提呈立法會省覽。監管局亦會通過傳媒、監管局刊物及網站等不同溝通渠道，向公眾發放有關本局的資訊。

## 制衡措施

監管局的財務報表須經由外部核數師審核。2011/12年度，德勤•關黃陳方會計師行獲委聘為監管局的核數師。

為方便公眾取得有關監管局及其服務的資料，監管局除了按慣例公佈資料外，亦根據《公開資料守則》處理公眾向監管局索取資料的要求。

根據《地產代理條例》，持牌人或牌照申請人可透過書面方式通知運輸及房屋局局長，對監管局的決定提出上訴，包括監管局拒絕批給牌照或批出續牌申請的決定，或監管局施行的紀律處分。運輸及房屋局局長須委任一小組人士組成委員團，專責聆訊上訴。委員團的主席須就每宗上訴個案，從委員團成員中委任成員組成審裁小組進行裁決。





## Corporate governance

### Accountability and transparency

To reinforce accountability of the EAA, a *Corporate Authorisation Manual* was also formulated by the Board. It ensures that a comprehensive framework of checks and balances is in place by specifying in detail the Board's delegation of authority to its standing committees, working panel and the Administration.

As a responsible and responsive regulatory body, the EAA has a set of performance pledges for its services to the public and the level of attainment of the pledges is reviewed regularly. The attainment level in 2011/12 was satisfactory. Details of the pledges and the attainment level are at Annex 2.

The EAA came under the jurisdiction of The Ombudsman on 2 July 2010. In the year of 2011/12, five inquiries from The Ombudsman were received. They were all closed subsequently with no further action.

To increase the transparency of the EAA's work, the EAA provides the Secretary for Transport and Housing an *Annual Report*, which is also tabled at the Legislative Council annually. Members of the public are also kept abreast of the EAA's initiatives through various communication channels, such as the mass media, EAA publications and its website.

### Checks and balances

The EAA's statement of accounts is subject to audit by an external auditor. In the year of 2011/12, Deloitte Touche Tohmatsu was the auditor of the EAA.

To facilitate the public to access information about the EAA and the services it provides, information is made available to the public routinely and requests for access to information are dealt with in accordance with the Code on Access to Information.

Under the Estate Agents Ordinance, licensees or licence applicants may appeal against the EAA's decisions concerning refusal to grant or renew a licence, or its disciplinary sanctions by writing to the Secretary for Transport and Housing. The Secretary for Transport and Housing is required to appoint a panel of persons for the purpose of hearing such appeals. The appeals are determined by a tribunal, the members of which are appointed by the Chairman of the panel from members of the panel.

# 附錄一 常設委員會

## 職權範圍和成員名單

### A. 財務及策略發展委員會

1. 研究具有長遠性影響的策略性議題以備提交監管局董事局審議。
2. 審核重要的財政議題 – 特別是員工開支對監管局財政狀況的影響、預算事項、長遠的財政規劃和資產管理，並將建議提交監管局董事局審議。
3. 監督人力資源管理事宜，並審視及批核編製架構和重組安排、人力規劃，以及人力資源政策和程序的制訂。
4. 研究重要的人力資源管理議題 – 尤其薪酬架構、薪酬和津貼政策，以及監管局員工(包括行政總裁和總監)的聘用條款和條件，並將建議提交監管局董事局審議。
5. 根據監管局主席的指示，審視及檢討行政總裁和總監的工作表現，以確定是否聘用、延長試用期、晉升、解僱、終止或繼續聘用，或其他與聘用相關事宜，以及確定是否批出按表現發放的獎賞，並將建議提交監管局董事局審議。
6. 審視及批署由監管局行政部門所預備的年度工作計劃和預算案，並於確認後提交監管局董事局審議。

## Terms of Reference and membership

### A. Finance and Strategic Development Committee

1. To consider strategic issues of long-term significance, in preparation for consideration by the Board.
2. To examine issues of major financial significance, in particular, staff cost implications, budgetary matters, long-term financial planning and asset management, and to make recommendations to the Board for consideration.
3. To oversee human resources management and to review and approve establishment structure, reorganisation, manpower planning and development of human resources policies and procedures.
4. To examine issues of major significance in human resources management, in particular, the pay structure, remuneration and allowance policies and terms and conditions of employment of the EAA employees (including the Chief Executive Officer and Directors), and to make recommendations to the Board for consideration.
5. At the direction of the Chairman, to review and evaluate the performance of the Chief Executive Officer and Directors for the purpose of confirmation of appointment, extension of probation, promotion, dismissal, termination or renewal of employment or other employment related issues and the granting of any performance-linked awards, and to make recommendations to the Board for consideration.
6. To review and endorse the annual work plan and budget prepared by the Administration and to recommend the same to the Board for consideration.



# Annex 1 Standing committees

- |  |  |
|--|--|
| <p>7. 就監管局資金的投資事宜制定指引並向監管局董事局提交建議。</p> <p>8. 留意業界及公眾人士對監管局的規例及政策的反應，並據此向監管局董事局及／或有關委員會建議適當對策。</p> <p>9. 執行由監管局董事局授權處理的工作。</p> <p>10. 如認為需要，就委員會行使其職能和權力獲取法律及／或專業意見或服務。</p> | <p>7. To devise guidelines for and make recommendations to the Board on the investment of the EAA monies.</p> <p>8. To monitor trade and community response to the EAA regulations and policies and, on such basis, recommend appropriate actions to the Board and/or the standing committees for consideration.</p> <p>9. To perform such other tasks as the Board may from time to time delegate.</p> <p>10. To obtain legal and/or expert advice or service relating to the exercise of the Committee's functions and powers as and when the Committee considers necessary.</p> |
|--|--|

| 成員                  | Membership  |
|---------------------|---|
| 主席： 陳韻雲女士，BBS，JP    | Chairman: Ms Vivien Chan, BBS, JP   |
| 成員： 梁永祥先生，BBS，JP    | Members: Mr William Leung Wing-cheung, BBS, JP                              |
| 鍾詠雪女士               | Ms Cynthia Chung Wing-suet  |
| 劉詩韻測量師              | Sr Serena Lau Sze-wan   |
| 劉燕卿女士，JP            | Miss Connie Lau Yin-hing, JP  |
| 李國麟議員，SBS，JP        | Dr The Hon Joseph Lee Kok-long, SBS, JP                                     |
| 廖玉玲女士               | Ms Elaine Liu Yuk-ling  |
| 呂耀華先生               | Mr Alexander Lui Yiu-wah  |
| 馬豪輝先生，SBS，JP        | Mr Ma Ho-fai, SBS, JP   |
| 運輸及房屋局常任秘書長(房屋)或其代表 | Permanent Secretary for Transport & Housing (Housing) or his representative |

### B. 紀律委員會

1. 訂立指引和程序，確保以公平及貫徹一致的立場，處理紀律個案。
2. 接受、考慮和查究由監管局轉介至紀律委員會，根據《地產代理條例》第29(1)條所作的投訴及《地產代理條例》第29(2)條由行政總裁作出的呈述，並在考慮該等投訴和呈述後，進行其認為合適的研訊。
3. 接受及查究涉及持牌地產代理或營業員的投訴，是否抵觸監管局不時向業界發出的《操守守則》、執業通告或指引。
4. 審閱監管局根據《地產代理條例》第28條委任的調查員提交的報告及建議（經由第28條調查小組轉介），考慮就涉嫌和指稱觸犯或沒有遵守《地產代理條例》條文的個案，進行其認為合適的研訊。
5. 按照《地產代理條例》第30條賦予之紀律制裁權，行使其認為適當的權力。
6. 在牌照上附加委員會認為適當的條件。
7. 視乎情況將委員會審議的不良執業手法或投訴個案轉交其他委員會，以便制訂及／或修訂政策、常規或規例，從而更有效地執行監管局之職能。

### B. Disciplinary Committee

1. To draw up guidelines and procedures to ensure consistency and fairness in handling disciplinary cases.
2. To receive, consider and inquire into complaints as mentioned in section 29(1) of the Estate Agents Ordinance (EAO) and submissions by the Chief Executive Officer as mentioned in section 29(2) of the EAO that are referred by the EAA to the Committee, and to conduct such inquiry as the Committee may think fit after having considered such complaints and submissions.
3. To receive and inquire into complaints lodged against licensed estate agents or salespersons for breaches of the Code of Ethics, practice circulars or guidelines issued to the trade from time to time by the EAA.
4. To consider the reports and recommendations of the investigator appointed by the EAA under section 28 of the EAO, with referral by the Section 28 Investigation Panel, to look into suspected and alleged breaches or non-compliance of the provisions of the EAO and to conduct such inquiry as the Committee may think fit after having considered such reports and recommendations.
5. To exercise any of the disciplinary powers provided under section 30 of the EAO as the Committee considers appropriate.
6. To attach to licences such conditions as the Committee may consider appropriate.
7. To refer from time to time cases of malpractice or complaints considered by the Committee to other committees for formulation and/or revision of policies, practice or regulations for better discharge of the EAA's functions.



## Annex 1 Standing committees

8. 如認為需要，就委員會行使其職能和權力獲取法律及／或專業意見或服務。

8. To obtain legal and/or expert advice or service relating to the exercise of the Committee's functions and powers as and when the Committee considers necessary.

| 成員                | Membership                         |
|-------------------|------------------------------------|
| 主席： 馬豪輝先生，SBS，JP  | Chairman: Mr Ma Ho-fai, SBS, JP    |
| 成員： 陳超國先生         | Members: Mr Charles Chan Chiu-kwok |
| 鍾詠雪女士             | Ms Cynthia Chung Wing-suet         |
| 林詩棋先生             | Mr Kevin Lam Sze-cay               |
| 劉振江測量師            | Sr Lau Chun-kong                   |
| 劉詩韻測量師            | Sr Serena Lau Sze-wan              |
| 李景亮先生             | Mr Lee King-leong                  |
| 劉哲寧先生             | Mr Liu Che-ning                    |
| 呂耀華先生             | Mr Alexander Lui Yiu-wah           |
| 伍景華先生             | Mr Ng King-wah                     |
| 委任成員：             | Board-appointed Members:           |
| 周富祥先生，PDSM        | Mr Sidney Chau Foo-cheong, PDSM    |
| 朱樂生先生             | Mr Antonio Chu Lok-sang            |
| 何世文先生             | Mr Simon Ho                        |
| 林文娟女士             | Ms Phyllis M.K. Lam                |
| 梁家駒先生             | Mr Johnny Leung Ka-kui             |
| 廖志明先生             | Mr Liu Chi-ming                    |
| 謝順禮先生             | Mr Calvin Tse Shun-lai             |
| 王羅桂華女士            | Mrs Karen Wong Law Kwai-wah        |
| 黃燦光先生，OBE，QPM，CPM | Mr Wong Tsan-kwong, OBE, QPM, CPM  |

### C. 牌照委員會

1. 研究及建議地產代理及營業員之發牌規定。
2. 研究及建議豁免某類人士發牌規定的準則。
3. 指示監管局行政部門處理牌照／營業詳情說明書的申請，並向符合發牌條件的申請人發出或續發有關牌照／營業詳情說明書。
4. 審閱提交予委員會之牌照／營業詳情說明書申請，若認為適當，可批准或拒絕申請。
5. 行使及執行《地產代理條例》第17、23、24、25及27條及《地產代理(發牌)規例》第9條訂明監管局的任何職能和權力。
6. 制定有關發牌事項的政策。

### C. Licensing Committee

1. To consider and recommend licensing requirements for estate agents and salespersons.
2. To consider and recommend the criteria for exemption from the licensing requirements for any particular class of persons.
3. To instruct the EAA Administration to process applications for licences/statements of particulars of business (SPOBs) and to grant or renew such licences/SPOBs to applicants meeting the licensing requirements.
4. To consider and if thought appropriate, to approve or refuse applications for licences/SPOBs brought before the Committee.
5. To exercise and perform any and such of the EAA's functions and powers under sections 17, 23, 24, 25 and 27 of the Estate Agents Ordinance and section 9 of the Estate Agents (Licensing) Regulation.
6. To set policies relating to licensing matters.

## Annex 1 Standing committees

- |   |   |
|---|---|
| <p>7. 檢討及建議牌照費用及監管局各類服務之收費幅度。</p> <p>8. 研究及設計與發牌事項有關的表格及文件。</p> <p>9. 如認為需要，就委員會行使其職能和權力獲取法律及／或專業意見或服務。</p> | <p>7. To review and make recommendation on the scale of licence fees and charges for services provided by the EAA.</p> <p>8. To consider and design the relevant forms and related documents pertaining to licensing matters.</p> <p>9. To obtain legal and/or expert advice or service relating to the exercise of the Committee's functions and powers as and when the Committee considers necessary.</p> |
|---|---|

| 成員            | Membership                                |
|---------------|---|
| 主席： 廖玉玲女士     | Chairman: Ms Elaine Liu Yuk-ling          |
| 成員： 洪小蓮女士     | Members: Ms Katherine Hung Siu-lin        |
| 郭昶先生          | Mr Anthony Kwok Chong                     |
| 李景亮先生         | Mr Lee King-leong                         |
| 李國麟議員，SBS，JP  | Dr the Hon Joseph Lee Kok-long, SBS, JP   |
| 梁繼昌先生         | Mr Kenneth Leung Kai-cheong               |
| 吳麗莎女士         | Miss Melissa Wu                           |
| 委任成員：         | Board-appointed Members:                  |
| 譚秀娥女士(消費者委員會) | Miss Vera Tam Sau-ngor (Consumer Council) |
| 余家旗先生         | Mr Alex Yu Ka-ki                          |

### D. 執業及考試委員會

1. 制訂、檢討及修訂操守守則，規管地產代理行業的操守及執業方式。
2. 檢討《地產代理條例》所載有關地產代理的執業及運作的規例，並就此提供建議。
3. 不時考慮及檢討地產代理行業的執業手法，並制訂或研究關於地產代理工作的執業通告或指引。
4. 監察業界遵行《地產代理條例》及其附屬法例、《操守守則》、執業通告或其他指引的情況；並聯絡業界，共同研究提升執業水準及服務質素的方法。
5. 制訂地產代理和營業員資格考試的範圍及費用。
6. 為資格考試的執行工作制訂準則。
7. 監督資格考試的試題設定與調整、考生違反考試規則的懲處決定，並就此向監管局行政部門發出指引。

### D. Practice and Examination Committee

1. To draw up, review and revise code(s) of ethics governing the conduct and practice of the estate agency trade.
2. To review and make recommendation on the regulations under the Estate Agents Ordinance (EAO) relating to the practice and operation of estate agents.
3. To consider and review practices within the trade and prepare or consider practice circulars or other guidelines on various aspects of estate agency work from time to time.
4. To monitor compliance of the EAO and its subsidiary legislations, code(s) of ethics, practice circulars or other guidelines; and to liaise with the trade on ways to improve the standard of practice and quality of service.
5. To determine the syllabi and fees for the qualifying examinations for estate agents and salespersons.
6. To set the parameters for the administration of the qualifying examinations.
7. To oversee and give direction to the EAA Administration in the setting and moderation of examination questions and determination of penalties for breaches of examination regulations by candidates.





## Annex 1 Standing committees

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| <p>8. 檢討及釐定資格考試及其各個部分(如適用)的合格分數和優異分數。</p> <p>9. 如認為需要，就委員會行使其職能和權力獲取法律及／或專業意見或服務。</p> | <p>8. To review and determine the pass marks and commendation marks for the qualifying examinations and, where appropriate, those for each part thereof.</p> <p>9. To obtain legal and/or expert advice or service relating to the exercise of the Committee's functions and powers as and when the Committee considers necessary.</p> |
|---|--|

| 成員                      | Membership   |
|-------------------------|--|
| 主席： 梁永祥先生，BBS，JP        | Chairman: Mr William Leung Wing-cheung, BBS, JP                                |
| 副主席： 劉燕卿女士，JP           | Vice-chairman: Miss Connie Lau Yin-hing, JP                                    |
| 成員：                     | Members:   |
| 陳超國先生                   | Mr Charles Chan Chiu-kwok  |
| 郭昶先生                    | Mr Anthony Kwok Chong  |
| 林詩棋先生                   | Mr Kevin Lam Sze-cay   |
| 李景亮先生                   | Mr Lee King-leong  |
| 梁繼昌先生                   | Mr Kenneth Leung Kai-cheong  |
| 伍景華先生                   | Mr Ng King-wah   |
| 運輸及房屋局常任秘書長(房屋)<br>或其代表 | Permanent Secretary for Transport & Housing<br>(Housing) or his representative |
| 委任成員：                   | Board-appointed Members:   |
| 傅德華先生                   | Mr Fu Tak-wah  |
| 吳芝萍女士                   | Ms Jasmine Ng Chi-ping   |
| 黃靜怡女士                   | Miss Angela Wong Ching-yi  |
| 汪敦敬先生                   | Mr Lawrance Wong Dun-king  |
| 黃錦昌博士                   | Ir Dr Stanley K C Wong   |

### E. 專業發展委員會

1. 研究業界的培訓需要，並設計合適的培訓課程，以提升持牌人的執業水平。
2. 監督「持續專業進修計劃」的執行，包括：
  - a. 定期檢討計劃的重點、範疇和要求；
  - b. 訂立分配核心及非核心科目活動的指引；
  - c. 審批持續專業進修活動的主辦機構及評估持續專業進修活動；
  - d. 將其他專業界別和行業的合適持續專業進修活動納入監管局的持續專業進修計劃；及
  - e. 監察持續專業進修計劃的成效，並向監管局董事局提交適當建議。

### E. *Professional Development Committee*

1. To examine the training needs and design appropriate training programmes to raise the competence of licensees.
2. To oversee the implementation of the Continuing Professional Development (CPD) Scheme including:
  - a. conducting periodic reviews on its focus, scope and requirements;
  - b. determining guidelines for assigning core and non-core activities;
  - c. approving CPD activity providers and evaluating CPD activities;
  - d. adopting appropriate CPD activities of other professions and trades into the CPD Scheme of the EAA; and
  - e. monitoring the effectiveness of the CPD Scheme and making recommendations to the Board as appropriate.



## Annex 1 Standing committees

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|---|---|
| <p>3. 就專業交流活動提供意見，並監察地產代理業內專業資格互認計劃的執行。</p> <p>4. 如認為需要，就委員會正確履行及行使其職能和權力獲取這方面的法律及／或專業意見。</p> | <p>3. To advise on professional exchange activities and monitor the administration of scheme(s) relating to reciprocal recognition of professional qualifications for the estate agency trade.</p> <p>4. To obtain such legal and/or expert advice as the Committee may consider necessary for or in relation to the proper discharge and exercise of the Committee's functions and powers.</p> |
|---|---|

| 成員                  | Membership  |
|---------------------|---|
| 主席： 劉詩韻測量師          | Chairman: Sr Serena Lau Sze-wan   |
| 成員： 洪小蓮女士           | Members: Ms Katherine Hung Siu-lin  |
| 郭昶先生                | Mr Anthony Kwok Chong   |
| 劉振江測量師              | Sr Lau Chun-kong  |
| 劉哲寧先生               | Mr Liu Che-ning   |
| 伍景華先生               | Mr Ng King-wah  |
| 吳麗莎女士               | Miss Melissa Wu   |
| 運輸及房屋局常任秘書長(房屋)或其代表 | Permanent Secretary for Transport & Housing (Housing) or his representative |
| 委任成員：               | Board-appointed Members:  |
| 鄺子文博士               | Dr Kwong Tsz-man  |
| 劉光耀博士               | Dr Joseph Lau Kwong-yiu   |
| 柯興捷先生               | Mr Stephen Or Hing-chit   |
| 黃慶隆先生               | Mr Wong Hing-lung   |
| 黃傑雄博士               | Dr Charles Wong Kit-hung  |
| 楊彩鳳女士               | Miss Caroline Yeung Choi-fung   |
| 職業訓練局代表             | Representative of the Vocational Training Council                           |

### F. 第28條調查小組<sup>1</sup>

1. 就如何選取需要根據《地產代理條例》(《條例》)第28條展開調查的個案制定指引和程序。
2. 監督根據《條例》第28條進行的調查，確保調查工作符合法例規定。
3. 接受和考慮監管局行政部門就其認為有需要根據《條例》第28條進行調查的懷疑或涉嫌違反或沒有遵守《條例》的規定或其他條文的個案所呈交的報告和建議。
4. 根據《條例》第28條委任調查員，展開小組認為有需要的調查及執行其認為有需要的職務。
5. 接受和考慮根據《條例》第28條小組委任的調查員所提交的報告和建議。

### F. Section 28 Investigation Panel<sup>1</sup>

1. To formulate guidelines for and procedures on the selection of cases for investigation under section 28 of the Estate Agents Ordinance (EAO).
2. To oversee the conduct of investigation under section 28 of the EAO to ensure its full compliance.
3. To receive and consider reports and recommendations from the EAA Administration on suspected or alleged cases of breaches or non-compliance of a requirement(s) or other provision(s) of the EAO warranting investigation under section 28 of the EAO.
4. To appoint investigator(s) under section 28 of the EAO to conduct such investigation and carry out such duties as the Panel considers necessary.
5. To receive and consider the reports and recommendations from the investigator appointed by the Panel under section 28 of the EAO.

<sup>1</sup> 不屬常設委員會，僅在需要時召開會議

<sup>1</sup> Not a standing committee, meet as and when needed



## Annex 1 Standing committees

- |   |  |
|---|--|
| <p>6. 如調查員建議小組該考慮行使《條例》第30條所訂明的紀律處分的權力，則將有關個案轉交紀律委員會處理。</p> <p>7. 如認為需要，就行使《條例》第28條所訂明的監管局職能和權力獲取法律及／或專業意見或服務。</p> <p>8. 行使及執行《條例》第28條所訂明的監管局職能和權力。</p> | <p>6. Where the investigator recommends to the Panel that the exercise of disciplinary powers under section 30 of the EAO should be considered, to refer the case to the Disciplinary Committee for its consideration.</p> <p>7. To obtain legal and/or expert advice or service relating to the exercise of the EAA's functions and powers as prescribed by section 28 of the EAO as and when the Panel considers necessary.</p> <p>8. To exercise and perform any and such of the EAA's functions and powers as prescribed by section 28 of the EAO.</p> |
|---|--|

| 成員        | Membership                         |
|-----------|------------------------------------|
| 主席： 廖玉玲女士 | Chairman: Ms Elaine Liu Yuk-ling   |
| 成員： 洪小蓮女士 | Members: Ms Katherine Hung Siu-lin |
| 梁繼昌先生     | Mr Kenneth Leung Kai-cheong        |

# 附錄二 2011/12年度服務達標率

## 查詢

### Enquiries

| 服務類別<br>Service type  | 指標<br>Standard   | 達標率<br>Results   |
|---|--|--|
| 回覆查詢 Response to enquiries  |  |  |
| <ul style="list-style-type: none"> <li>電話查詢 (留言訊息)</li> <li>書面查詢</li> </ul> | <ul style="list-style-type: none"> <li>Telephone enquiries (voice mail messages)</li> <li>Written enquiries</li> </ul> | <ul style="list-style-type: none"> <li>1個工作天內</li> <li>7個工作天內</li> </ul> |
|   | <ul style="list-style-type: none"> <li>Within 1 working day</li> <li>Within 7 working days</li> </ul>                  | <ul style="list-style-type: none"> <li>100%</li> <li>99.3%</li> </ul>    |

## 資格考試

### Qualifying examinations

| 服務類別<br>Service type                                 | 指標<br>Standard | 達標率<br>Results                               |
|--|----------------|--|
| 發出成績通知單 <sup>1</sup> Issue result slips <sup>1</sup> | 考試後的23個工作天內    | Within 23 working days after the examination |
|  |                | 100%   |

## 牌照

### Licensing

| 服務類別<br>Service type | 指標<br>Standard   | 達標率<br>Results                      |
|----------------------|--|-------------------------------------|
| 處理新牌照及續牌申請           | Process new and renewal licence applications                   | 10個工作天內 <sup>2</sup>                |
|                      |  | Within 10 working days <sup>2</sup> |
| 退款予不獲發牌照或取消牌照申請的申請人  | Refund of application fees for rejected/cancelled applications | 10個工作天內 <sup>3</sup>                |
|                      |  | Within 10 working days <sup>3</sup> |
|                      |  | 99.9%                               |
|                      |  | 99.3%                               |

<sup>1</sup> 監管局委託香港考試及評核局舉辦資格考試。考試的成績通知單由香港考試及評核局發出。

<sup>2</sup> 由監管局收妥牌照申請、所需費用及文件之日起計，至發出牌照／營業詳情說明書(即牌照可供領取之日)為止。如監管局須將牌照申請交由牌照委員會考慮是否符合法定的「適當人選」標準，服務指標則不適用。監管局處理此類牌照申請時，須進行調查及預留時間供申請人或第三者(例如破產管理署、信託人或警務處)作出回覆，待得到回覆後，才可以決定批准或拒絕申請，因此所需時間較長。

<sup>3</sup> 由取消或拒絕申請之日起計；如屬破產個案，則由收到破產管理署或信託人指示之日起計。

<sup>1</sup> Issued by the Hong Kong Examinations and Assessment Authority, authorised by the EAA to administer the examinations

<sup>2</sup> From receipt of the application, the required fee and documents to the date of issuance of a licence/statement of particulars of business (ie. the date the licence is available for collection). This service target does not apply to applications requiring determination by the EAA Licensing Committee as to whether the applicant fulfils the statutory "fit and proper" requirement. A longer duration is needed for such cases because the EAA has to conduct investigations and allow time for the applicant or any third party (such as the Official Receiver's Office, trustees-in-bankruptcy or the Police) to respond before the EAA approves or rejects the application.

<sup>3</sup> From the date the application is cancelled or rejected; for bankruptcy cases, from the date of receipt of instructions from the Official Receiver's Office or the trustee-in-bankruptcy in question.



## Annex 2 Achievement of performance standards in 2011/12

### 投訴處理 Complaints

| 服務類別<br>Service type | 指標<br>Standard   | 達標率<br>Results   |
|----------------------|--|--|
| 確認收到投訴人的書面投訴         | Acknowledge receipt of written complaints  | 5個工作天內<br>Within 5 working days<br>100%                              |
| 收到足夠證明文件後向投訴人作出書面回覆  | Provide a written response to complainants upon receipt of sufficient supporting documents | 15個工作天內<br>Within 15 working days<br>99%                             |
| 通知投訴人調查結果            | Notify complainants of the outcome of the investigation                                    | 10個工作天內 <sup>4</sup><br>Within 10 working days <sup>4</sup><br>98.7% |
| 通知被投訴人(持牌人)調查結果      | Notify complainees (licensees) of the outcome of the investigation                         | 10個工作天內 <sup>5</sup><br>Within 10 working days <sup>5</sup><br>98.9% |

### 紀律研訊 Disciplinary proceedings

| 服務類別<br>Service type | 指標<br>Standard   | 達標率<br>Results  |
|----------------------|--|---|
| 舉行首次紀律研訊             | Conduct the first disciplinary inquiry hearing of a case | 完成調查後的90個工作天內<br>Within 90 working days after completion of investigation<br>100% |

### 持續專業進修計劃 Continuing Professional Development (CPD) Scheme

| 服務類別<br>Service type          | 指標<br>Standard  | 達標率<br>Results                            |
|-------------------------------|---|---|
| 完成處理持續專業進修活動認可的申請             | Process applications for endorsement of CPD activities            | 20個工作天內<br>Within 20 working days<br>100% |
| 發出「出席證書」予參加監管局舉辦的持續專業進修活動的持牌人 | Issue certificates of attendance for EAA-organised CPD activities | 30個工作天內<br>Within 30 working days<br>100% |

<sup>4</sup> 由完成調查之日起計；假如監管局須為有關個案舉行紀律研訊，則以向被投訴人發出研訊結果通知書之日起計。

<sup>4</sup> From completion of investigation or, in the event the case is submitted for an inquiry hearing, the date of the letter notifying the complainees of the result of the hearing.

<sup>5</sup> 不包括要舉行紀律研訊的投訴個案。法例規定，監管局「須自有關決定日期起21天內，將該決定以書面通知持牌人和通知該決定所針對的任何其他人」。

<sup>5</sup> Excluding cases that are submitted for inquiry hearings. In these cases, the statutory requirement is for EAA "within the period of 21 days beginning on the date of the relevant decision, to notify in writing the licensee and any other person against whom the decision is made of the decision".

# 獨立核數師報告

致地產代理監管局全體成員(「監管局」)  
(根據《地產代理條例》於香港成立)

本核數師已完成審核載於第106至128頁之監管局財務報表，該等財務報表包括截至2012年3月31日之資產負債表、收支結算表、截至該日止年度備儲變動表及現金流量表，以及主要會計政策摘要和其他附註。

## 監管局對財務報表之責任

監管局須負責根據香港會計師公會頒佈之香港財務報告準則及《地產代理條例》，編製及如實而公平地呈報財務報表。此項責任包括設計、實施及維持與編製及如實而公平地呈報財務報表有關之內部監控，以確保並無因欺詐或錯誤而造成之重大錯誤陳述；選擇及應用適當的會計政策；及作出在有關情況下屬合理的會計估計。

## 核數師之責任

本核數師之責任是根據審核結果就該等財務報表發表意見，並按照《地產代理條例》第12條僅向監管局整體成員報告，除此之外並無其他目的。本核數師不會就本報告之內容向任何其他人士負上或承擔任何責任。本核數師已根據香港會計師公會頒佈之香港審計準則進行審核工作，該等準則規定本核數師符合操守要求，以及計劃和執行審核工作，以合理地確定該等財務報表是否不含重大的錯誤陳述。

TO THE MEMBERS OF ESTATE AGENTS AUTHORITY  
地產代理監管局  
(established in Hong Kong pursuant to the Estate Agents Ordinance)

We have audited the financial statements of the Estate Agents Authority set out on pages 106 to 128, which comprise the statement of financial position as at 31 March 2012, and the statement of comprehensive income, the statement of movements in reserves and the statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

## Estate Agents Authority's Responsibility for the Financial Statements

The Estate Agents Authority is responsible for the preparation of financial statements that give a true and fair view in accordance with Hong Kong Financial Reporting Standards issued by the Hong Kong Institute of Certified Public Accountants and the Estate Agents Ordinance, and for such internal control as the Estate Agents Authority determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

## Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit and to report our opinion solely to you, as a body, in accordance with section 12 of the Estate Agents Ordinance, and for no other purpose. We do not assume responsibility towards or accept liability to any other person for the contents of this report. We conducted our audit in accordance with Hong Kong Standards on Auditing issued by the Hong Kong Institute of Certified Public Accountants. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.





# Independent Auditor's Report

審核工作涉及執行若干程序，以取得有關財務報表所述金額及披露事項之審計憑證。所選用之程序取決於核數師之判斷，包括評估因欺詐或錯誤而造成財務報表重大錯誤陳述之風險。於作出風險評估時，核數師會考慮與監管局編製及如實而公平地呈報財務報表有關之內部監控，以設計在有關情況下屬合理的審核程序，但並非為了就監管局之內部監控有效與否發表意見。審核工作亦包括評價所應用之會計政策是否適當、監管局所作之會計估計是否合理，以及評價財務報表之整體呈報方式。

本核數師相信，本核數師已取得充足和適當的審計憑證，作為本核數師審核意見之基礎。

## 意見

本核數師認為，上述的財務報表均根據香港財務報告準則，如實而公平地顯示監管局於2012年3月31日結算時的財務狀況，及監管局截至該日止年度的盈餘及現金流量。

德勤•關黃陳方會計師行  
執業會計師  
香港  
2012年8月27日

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Estate Agents Authority's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Estate Agents Authority, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

## Opinion

In our opinion, the financial statements give a true and fair view of the state of the Estate Agents Authority's affairs as at 31 March 2012, and of its surplus and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards.

Deloitte Touche Tohmatsu  
Certified Public Accountants  
Hong Kong  
27 August 2012

# 財務報表

## 收支結算表

截至2012年3月31日止年度

## Statement of Comprehensive Income

For the year ended 31 March 2012

|              |   | 附註<br>NOTES | 2012<br>港元<br>HK\$ | 2011<br>港元<br>HK\$ |
|--------------|---|-------------|--------------------|--------------------|
| <b>收入</b>    | <b>Income</b>   |             |                    |                    |
| 牌照費          | Licence fees  | 5           | 68,674,576         | 59,263,304         |
| 考試費          | Examination fees  | 6           | 10,843,000         | 10,747,000         |
| 利息收入         | Interest income   |             | 536,391            | 400,036            |
| 出售註銷固定資產之收益  | Gain on disposal of property, plant and equipment               |             | 221,136            | —                  |
|              |   |             | <b>80,275,103</b>  | <b>70,410,340</b>  |
| <b>支出</b>    | <b>Expenditure</b>  |             |                    |                    |
| 核數師酬金        | Auditor's remuneration  |             | 65,000             | 65,000             |
| 公事外訪         | Business trip   |             | 623                | —                  |
| 公眾教育開支       | Community education expenses                                    |             | 343,659            | 431,496            |
| 投訴、調查及紀律的支出  | Complaints, investigation and disciplinary proceedings expenses |             | 83,894             | 73,622             |
| 中港代理資格互認計劃支出 | CEPA scheme expenses  |             | 193,178            | 100,833            |
| 折舊           | Depreciation  |             | 951,622            | 801,165            |
| 器材維修保養及通訊費用  | Equipment maintenance and communication expenses                |             | 810,969            | 677,943            |
| 地產代理證支出      | Estate agent card expenses                                      |             | 149,552            | 128,493            |
| 保險費          | Insurance   |             | 968,444            | 845,191            |
| 註銷固定資產之虧損    | Loss on disposal of property, plant and equipment               |             | —                  | 9,102              |
| 汽車營運支出       | Motor vehicle operating expenses                                |             | 115,921            | 168,347            |
| 辦公室及相關開支     | Office accommodation and related expenses                       |             | 1,656,597          | 1,595,905          |
| 營業租約—土地及樓宇   | Operating lease rentals in respect of land and buildings        |             | 4,023,374          | 4,065,704          |
| 郵費           | Postage   |             | 330,914            | 367,728            |
| 印刷及文具        | Printing and stationery   |             | 484,976            | 624,595            |
| 專業服務費        | Professional service fees                                       |             | 466,184            | 350,188            |
| 公共關係及聯絡費     | Public relations and liaison                                    |             | 52,526             | 50,325             |
| 宣傳及廣告        | Publicity and advertising                                       |             | 70,000             | 231,000            |
| 員工成本         | Staff costs   |             |                    |                    |
| — 薪金及津貼      | — wages, salaries and allowances                                |             | 38,062,552         | 37,993,340         |
| — 強制性公積金供款   | — contributions to mandatory provident fund scheme              |             | 875,615            | 870,388            |
| 考試服務費        | Service fees for examinations                                   |             | 6,248,456          | 6,917,059          |
| 培訓活動開支       | Training activity expenses                                      |             | 519,988            | 915,705            |
| 其他開支         | Other expenses  |             | 462,055            | 294,588            |
|              |   |             | <b>56,936,099</b>  | <b>57,577,717</b>  |
| 本年度盈餘        | Surplus for the year  |             | <b>23,339,004</b>  | <b>12,832,623</b>  |



# Financial Statements

## 資產負債表

2012年3月31日

## Statement of Financial Position

At 31 March 2012

|              |                                       | 附註<br>NOTES | 2012<br>港元<br>HK\$ | 2011<br>港元<br>HK\$ |
|--------------|---------------------------------------|-------------|--------------------|--------------------|
| <b>非流動資產</b> | <b>Non-current asset</b>              |             |                    |                    |
| 物業、設備及器材     | Property, plant and equipment         | 8           | 2,805,766          | 2,072,649          |
| <b>流動資產</b>  | <b>Current assets</b>                 |             |                    |                    |
| 持有至到期投資      | Held-to-maturity investments          | 9           | —                  | 12,077,568         |
| 應收及預付賬款及按金   | Debtors, prepayments and deposits     |             | 2,527,962          | 2,775,109          |
| 銀行結存及現金      | Bank balances and cash                | 10          | 167,883,149        | 129,057,807        |
|              |                                       |             | 170,411,111        | 143,910,484        |
| <b>流動負債</b>  | <b>Current liabilities</b>            |             |                    |                    |
| 應付賬款及應計項目    | Creditors and accruals                |             | 7,719,412          | 7,148,679          |
| 遞延收入         | Deferred income                       | 11          | 50,316,756         | 46,450,678         |
| 已收牌照申請款項     | Licence applications received         | 12          | 3,153,826          | 3,695,897          |
|              |                                       |             | 61,189,994         | 57,295,254         |
| 流動資產淨值       | Net current assets                    |             | 109,221,117        | 86,615,230         |
| 總資產減去流動負債    | Total assets less current liabilities |             | 112,026,883        | 88,687,879         |
| 儲備           | Reserves                              |             | 112,026,883        | 88,687,879         |

載於第106至128頁之財務報表於2012年8月27日獲監管局全體成員批准及授權發佈，並由以下代表簽署：

The financial statements on pages 106 to 128 were approved and authorised for issue by the Members of the Estate Agents Authority on 27 August 2012 and are signed on their behalf by:

陳韻雲  
主席

韓婉萍  
署理行政總裁

Vivien Chan  
Chairman

Ruby Hon  
Acting Chief Executive Officer

# 財務報表

## 儲備變動表 Statement of Movements in Reserves

截至2012年3月31日止年度 For the year ended 31 March 2012

|                      |                                      | 訴訟<br>均衡儲備<br>Litigation<br>equalisation<br>reserve<br>港元<br>HK\$ | 資本<br>項目基金<br>Capital<br>project<br>fund<br>港元<br>HK\$ | 牌照費用<br>寬免基金<br>Licence fee<br>concession<br>fund<br>港元<br>HK\$ | 累積儲備<br>Cumulative<br>fund<br>港元<br>HK\$ | 總計<br>Total<br>港元<br>HK\$ |
|----------------------|--------------------------------------|---|--|---|--|---------------------------|
| 2010年4月1日            | At 1 April 2010                      | 9,750,000   | 25,624,062   | (3,079,378)   | 43,560,572                               | 75,855,256                |
| 該年度盈餘                | Surplus for the year                 | —   | —  | —   | 12,832,623                               | 12,832,623                |
| 由累積儲備轉(出)/入          | Transfer (to) from cumulative fund   | —   | (1,424,000)  | 3,079,378   | (1,655,378)                              | —                         |
| 2011年3月31日及2011年4月1日 | At 31 March 2011 and<br>1 April 2011 | 9,750,000   | 24,200,062   | —   | 54,737,817                               | 88,687,879                |
| 該年度盈餘                | Surplus for the year                 | —   | —  | —   | 23,339,004                               | 23,339,004                |
| 由累積儲備轉(出)/入          | Transfer (to) from cumulative fund   | —   | 38,221,552   | —   | (38,221,552)                             | —                         |
| 2012年3月31日           | At 31 March 2012                     | 9,750,000   | 62,421,614   | —   | 39,855,269                               | 112,026,883               |

訴訟均衡儲備為用以支付因監管局的若干決定在上訴委員會被提出上訴，或在法院上受到質疑所引致的訴訟成本。監管局每年會酌情自累積儲備中轉撥款項至訴訟均衡儲備，或由訴訟均衡儲備轉撥款項至累積儲備。

The litigation equalisation reserve caters for the cost of litigation arising from some of the Estate Agents Authority's decisions being appealed to the Appeal Panel or challenged in court. A transfer will be made from the cumulative fund to the litigation equalisation reserve or from the litigation equalisation reserve to the cumulative fund at the discretion of the Estate Agents Authority ("EAA").

資本項目基金為用以支付發展經本局核准的資本項目成本。監管局每年會酌情自累積儲備中轉撥款項至資本項目基金，或由資本項目基金轉撥款項至累積儲備。

Capital project fund caters for the cost of capital projects, as approved by the EAA. Transfers will be made from the cumulative fund to the capital project fund or from the capital project fund to the cumulative fund at the discretion of the EAA.

截至2012年3月31日，資本項目基金包括預留作日後可能購置永久辦公室的款項57,851,552港元(2011年：22,000,000港元)。

Capital project fund balance at 31 March 2012 included an amount of HK\$57,851,552 (2011: HK\$22,000,000) which represents funds for the possible acquisition of permanent office accommodation in future.

牌照費用寬免基金用以支付向持牌人提供一次過寬免半年牌照費用的成本。地產代理監管局會酌情自累積儲備中轉撥款項至牌照費用寬免基金，或由牌照費用寬免基金轉撥款項至累積儲備。

Licence fee concession fund caters for the cost of a one-off, six-month licence fee concession to licensees. Transfer will be made from the cumulative fund to the licence fee concession fund or from the licence fee concession fund to the cumulative fund at the discretion of the EAA.



# Financial Statements

## 現金流量表

截至2012年3月31日止年度

## Statement of Cash Flows

For the year ended 31 March 2012

|                   |   | 2012<br>港元<br>HK\$ | 2011<br>港元<br>HK\$ |
|-------------------|---|--------------------|--------------------|
| <b>營運活動的現金流量</b>  | <b>OPERATING ACTIVITIES</b>                                 |                    |                    |
| 本年盈餘              | Surplus for the year  | 23,339,004         | 12,832,623         |
| 就下列各項作出調整：        | Adjustments for:  |                    |                    |
| 利息收入              | Interest income   | (536,391)          | (400,036)          |
| 折舊費用              | Depreciation  | 951,622            | 801,165            |
| 出售註銷固定資產(收益)/虧損   | (Gain) loss on disposal of property,<br>plant and equipment | (221,136)          | 9,102              |
| 營運資金變動前之營運現金流量    | Operating cash flows before movements in<br>working capital | 23,533,099         | 13,242,854         |
| 應收及預付賬款及按金減少      | Decrease in debtors, prepayments and deposits               | 221,721            | 57,437             |
| 應付賬款及應計項目之增加      | Increase in creditors and accruals                          | 570,733            | 2,203,249          |
| 遞延收入之增加           | Increase in deferred income                                 | 3,866,078          | 5,577,349          |
| 已收牌照申請款項之增加(減少)   | (Decrease) increase in licence applications received        | (542,071)          | 1,671,781          |
| 營運活動的現金流入淨額       | Net cash from operating activities                          | 27,649,560         | 22,752,670         |
| <b>投資活動的現金流量</b>  | <b>INVESTING ACTIVITIES</b>                                 |                    |                    |
| 出售固定資產            | Proceeds from disposal of property, plant<br>and equipment  | 227,000            | —                  |
| 購置固定資產            | Purchase of property, plant and equipment                   | (1,690,603)        | (1,199,280)        |
| 已收利息              | Interest received   | 561,817            | 273,639            |
| 購入持有至到期投資         | Purchase of held-to-maturity investments                    | —                  | (3,971,400)        |
| 贖回持有至到期投資         | Proceeds from redemption of held-to-maturity<br>investments | 12,077,568         | —                  |
| 投資活動所得(使用)的現金淨額   | Net cash from (used in) investing activities                | 11,175,782         | (4,897,041)        |
| 現金及現金等價物的(減少)增加淨額 | Net increase in cash and cash equivalents                   | 38,825,342         | 17,855,629         |
| 於本年度初的現金及現金等價物    | Cash and cash equivalents at the beginning of the year      | 129,057,807        | 111,202,178        |
| 於本年度止的現金及現金等價物    | Cash and cash equivalents at the end of the year            | 167,883,149        | 129,057,807        |
| 現金及現金等價物的結餘分析：    | Analysis of balances of cash and cash equivalents:          |                    |                    |
| 銀行結存及現金           | Bank balances and cash                                      | 167,883,149        | 129,057,807        |

## 賬目附註

截至2012年3月31日止年度

### 1. 簡介

地產代理監管局根據於1997年5月29日頒佈的《地產代理條例》成立。其主要職能為促進地產代理的專業操守，提高從業員的專業水平，及簽發地產代理牌照。監管局的註冊辦事處及主要辦公地點為香港灣仔皇后大道東合和中心48樓。

本財務報表以港元呈報，為監管局的功能貨幣。

### 2. 應用新訂及經修訂之香港財務報告準則

本年度，監管局應用以下香港會計師公會頒佈之新訂及經修訂香港財務報告準則。

修訂香港財務報告準則  
Amendments to HKFRSs

香港會計準則第24號(2009年經修訂)  
HKAS 24 (as revised in 2009)

修訂香港會計準則第32號  
Amendments to HKAS 32

修訂香港(國際財務報告詮釋委員會)  
一詮釋第14號  
Amendments to HK (IFRIC)-Int 14

香港(國際財務報告詮釋委員會)  
一詮釋第19號  
HK (IFRIC)-Int 19

## Notes to the Financial Statements

For the year ended 31 March 2012

### 1. General

The EAA was established with the principal functions of promoting integrity and competence of estate agents and issuing estate agents' licences under the Estate Agents Ordinance dated 29 May 1997 (date of enactment). The address of the registered office and principal place of business of the EAA is 48th Floor, Hopewell Centre, Queen's Road East, Hong Kong.

The financial statements are presented in Hong Kong dollars, which is the same as the functional currency of the EAA.

### 2. Application of New and Revised Hong Kong Financial Reporting Standards ("HKFRSs")

In the current year, the EAA has applied the following new and revised HKFRSs issued by the Hong Kong Institute of Certified Public Accountants ("HKICPA").

2010年頒佈香港財務報告準則之改良  
Improvements to HKFRSs issued in 2010

關連方披露  
Related Party Disclosures

供股之分類  
Classification of Rights Issues

最低資金要求之預付款項  
Prepayments of a Minimum Funding Requirement

以股本工具抵銷金融負債  
Extinguishing Financial Liabilities with Equity Instruments



# Financial Statements

應用新香港財務報告準則對監管局目前及過往財政表現和狀況及／或其於本財務報表披露的資料並無重大影響。

監管局並無提早應用下列已頒佈但未生效之新香港財務報告準則：

修訂香港財務報告準則  
Amendments to HKFRSs

修訂香港財務報告準則第1號  
Amendments to HKFRS 1

修訂香港財務報告準則第1號  
Amendments to HKFRS 1

修訂香港財務報告準則第7號  
Amendments to HKFRS 7

修訂香港財務報告準則第7號  
Amendments to HKFRS 7

修訂香港財務報告準則第9號及第7號  
Amendments to HKFRS 9 and HKFRS 7

香港財務報告準則第9號  
HKFRS 9

香港財務報告準則第10號  
HKFRS 10

香港財務報告準則第11號  
HKFRS 11

香港財務報告準則第12號  
HKFRS 12

香港財務報告準則第13號  
HKFRS 13

The application of the new and revised HKFRSs in the current year has had no material impact on the EAA's financial performance and positions for the current and prior years and/or on the disclosures set out in these financial statements.

The EAA has not early applied the following new and revised HKFRSs that have been issued but are not yet effective:

二零零九至二零一一年週期香港財務報告準則之年度改良<sup>2</sup>  
Annual Improvements to HKFRSs 2009–2011 Cycle<sup>2</sup>

嚴重高通脹及剔除首次採納者之固定日期<sup>1</sup>  
Severe Hyperinflation and Removal of Fixed Dates for First-time Adopters<sup>1</sup>

政府貸款<sup>2</sup>  
Government Loans<sup>2</sup>

披露—轉讓金融資產<sup>1</sup>  
Disclosures—Transfers of Financial Assets<sup>1</sup>

披露—金融資產及金融負債之抵銷<sup>2</sup>  
Disclosures—Offsetting Financial Assets and Financial Liabilities<sup>2</sup>

財務報告準則第9號之強制性生效日期和過渡披露<sup>3</sup>  
Mandatory Effective Date of HKFRS 9 and Transition Disclosures<sup>3</sup>

金融工具<sup>3</sup>  
Financial Instruments<sup>3</sup>

綜合財務報表<sup>2</sup>  
Consolidated Financial Statements<sup>2</sup>

共同安排<sup>2</sup>  
Joint Arrangements<sup>2</sup>

披露於其他實體之權益<sup>2</sup>  
Disclosure of Interests in Other Entities<sup>2</sup>

公平價值計量<sup>2</sup>  
Fair Value Measurement<sup>2</sup>

修訂香港財務報告準則第10號、第11號及第12號  
Amendments to HKFRS 10, HKFRS 11 and HKFRS 12

修訂香港會計準則第1號  
Amendments to HKAS 1

修訂香港會計準則第12號  
Amendments to HKAS 12

香港會計準則第19號(2011年經修訂)  
HKAS 19 (as revised in 2011)

香港會計準則第27號(2011年經修訂)  
HKAS 27 (as revised in 2011)

香港會計準則第28號(2011年經修訂)  
HKAS 28 (as revised in 2011)

修訂香港會計準則第32號  
Amendments to HKAS 32

香港(國際財務報告詮釋委員會)  
— 詮釋第20號  
HK (IFRIC)-Int 20

<sup>1</sup> 於2011年7月1日或之後開始之年度生效

<sup>2</sup> 於2013年1月1日或之後開始之年度生效

<sup>3</sup> 於2015年1月1日或之後開始之年度生效

<sup>4</sup> 於2012年1月1日或之後開始之年度生效

<sup>5</sup> 於2012年7月1日或之後開始之年度生效

<sup>6</sup> 於2014年1月1日或之後開始之年度生效

監管局正在評估應用新訂及經修訂香港財務報告準則之潛在影響，並預期此舉將不會對本局的業績及財務狀況造成重大影響。

綜合財務報表、共同安排及披露於其他實體之權益：過渡指引<sup>2</sup>

Consolidated Financial Statements, Joint Arrangements and Disclosure of Interests in Other Entities: Transition Guidance<sup>2</sup>

其他全面收益項目之呈列<sup>5</sup>  
Presentation of Items of Other Comprehensive Income<sup>5</sup>

遞延稅項—收回相關資產<sup>4</sup>  
Deferred Tax—Recovery of Underlying Assets<sup>4</sup>

僱員福利<sup>2</sup>  
Employee Benefits<sup>2</sup>

獨立財務報表<sup>2</sup>  
Separate Financial Statements<sup>2</sup>

於聯營公司及合營企業之投資<sup>2</sup>  
Investments in Associates and Joint Ventures<sup>2</sup>

金融資產及金融負債之抵銷<sup>6</sup>  
Offsetting Financial Assets and Financial Liabilities<sup>6</sup>

露天礦場生產階段之剝採成本<sup>2</sup>  
Stripping Costs in the Production Phase of a Surface Mine<sup>2</sup>

<sup>1</sup> Effective for annual periods beginning on or after 1 July 2011.

<sup>2</sup> Effective for annual periods beginning on or after 1 January 2013.

<sup>3</sup> Effective for annual periods beginning on or after 1 January 2015.

<sup>4</sup> Effective for annual periods beginning on or after 1 January 2012.

<sup>5</sup> Effective for annual periods beginning on or after 1 July 2012.

<sup>6</sup> Effective for annual periods beginning on or after 1 January 2014.

The EAA is in the process of assessing the potential impact and anticipates that the application of the new and revised HKFRSs will have no material impact on the results and the financial position of the EAA.





## 3. 主要會計政策

本財務報表乃採用歷史成本法為基礎並根據香港會計師公會頒佈的香港財務報告準則及地產代理條例編製。主要採用的會計政策如下：

### 收入確認

牌照收入乃根據牌照期限以直線攤分法入賬。

考試收入乃根據考試日期入賬。

金融資產的利息收入乃按時間基準，並參照尚未償還的本金額及按適用的實際利率累計，該利率為於首次確認時，將於金融資產的選取壽命期間的預計未來現金收入準確折讓至該資產賬面淨值的利率。

### 物業、設備及器材

物業、設備及器材是按照成本減其後累積折舊及累積減值虧損(如有)後列賬。

物業、設備及器材的折舊乃以直線法計算，按有關項目的估計使用年限及經計及其估計剩餘價值撇銷其成本。

## 3. Significant Accounting Policies

The financial statements have been prepared under the historical cost basis and in accordance with Hong Kong Financial Reporting Standards issued by the HKICPA and the Estate Agents Ordinance. The significant accounting policies adopted are as follows:

### Revenue recognition

Income from issuing licences is recognised on a straight-line basis over the life of the licence.

Income from examinations is recognised on the date of the examination.

Interest income from a financial asset is recognised when it is probable that economic benefits will flow into the Company and the amount of income can be measured reliably. Interest income is accrued on a time basis, by reference to the principal outstanding and at the effective interest rates applicable, which is the rate that exactly discounts the estimated future cash receipts through the extracted life of the financial asset to that asset's net carrying amount on initial recognition.

### Property, plant and equipment

Property, plant and equipment are stated in the statement of financial position at cost less subsequent accumulated depreciation and subsequent accumulated impairment losses, if any.

Depreciation is recognised so as to write off the cost of items of property, plant and equipment less their residual values over their estimated useful lives, using the straight-line method. The estimated useful lives, residual values and depreciation method are reviewed at the end of each reporting period, with the effect of any changes in estimate accounted for on a prospective basis.

物業、設備及器材於出售時或預期繼續使用該項資產不會產生未來經濟效益時終止確認。終止確認資產所得的任何盈虧(出售進賬淨額與該項目賬面金額的差額)，在終止確認該項目之年度計入收支結算表。

## 有形資產之減值

監管局會於報告期末評檢其有形資產的賬面值，以釐訂有否任何顯示該等資產已出現減值虧損的跡象。如出現任何有關跡象，則會估計資產之可收回價值，以確定減值虧損(如有)的程度。如無法估計單項資產的可收回價值，監管局會估計該資產所屬現金產生單位的可收回價值。如有合理及一致的分配方法，本局的資產亦會分配到個別的現金產生單位，或以該合理及一致的分配方法將其分配給最小組別的現金產生單位。

可收回價值為減除成本後的公平值與使用價值，以較高者為準。在評估使用價值時，估計未來現金流量乃使用除稅前折現率折減至其現值，以反映市場對貨幣時間值的評估，及該資產特有的風險(未來現金流量的估計並未就此調整)。

倘若估計資產(或現金產生單位)的可收回價值低於賬面值，則將該資產(或現金產生單位)的賬面值減至其可收回價值。減值虧損即時於損益表確認。

An item of property, plant and equipment is derecognised upon disposal or when no future economic benefits are expected to arise from the continued use of the asset. Any gain or loss arising on the disposal or retirement of an item of property, plant and equipment is determined as the difference between the sales proceeds and the carrying amount of the asset and is recognised in profit or loss.

## *Impairment losses on tangible assets*

At the end of the reporting period, the EAA reviews the carrying amounts of its tangible assets to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss, if any. When it is not possible to estimate the recoverable amount of an individual asset, the EAA estimates the recoverable amount of the cash-generating unit to which the asset belongs. Where a reasonable and consistent basis of allocation can be identified, corporate assets are also allocated to individual cash-generating units, or otherwise they are allocated to the smallest group of cash-generating units for which a reasonable and consistent allocation basis can be identified.

Recoverable amount is the higher of fair value less costs to sell and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset for which the estimates of future cash flows have not been adjusted.

If the recoverable amount of an asset (or a cash-generating unit) is estimated to be less than its carrying amount, the carrying amount of the asset (or a cash-generating unit) is reduced to its recoverable amount. An impairment loss is recognised immediately in profit or loss.

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倘於其後撥回減值虧損，則該資產之賬面值將增加至經修訂的估計可收回價值，惟過往年度倘無確認減值虧損應有的賬面值，增加後的賬面值不會超過該資產（或現金產生單位）。減值虧損撥回即時確認為收入。

## 金融工具

金融資產及金融負債在監管局成為該工具合約條文的其中一方時於資產負債表確認。金融資產及金融負債初期以公平價值計算。可直接撥歸購買或發行金融資產及金融負債的交易成本，將加到金融資產或金融負債（視所屬情況而定）於初次確認時的公平價值或從中扣減。

## 金融資產

監管局之金融資產主要為貸款及應收款項，以及持有至到期投資，其分類乃根據金融資產的性質及目的而定，並於首次確認時決定。所有日常買賣之金融資產均於交易日確認及終止確認。日常買賣指須於市場規則或慣例訂立之時間內交收資產之金融資產買賣。

## 實際利率法

實際利率法乃計算金融資產之攤銷成本及於有關期間分配利息收入之方法。實際利率乃於金融資產之預計年期或適用之較短期間準確折讓預計未來現金收入（包括構成實際利率不可或缺部份之一切已付或已收利率差價費用、交易成本及其他溢價及折讓）之利率。

就債務工具而言，收入按實際利率基準確認。

Where an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset (or a cash-generating unit) in prior years. A reversal of an impairment loss is recognised as income immediately.

## Financial instruments

Financial assets and financial liabilities are recognised on the statement of financial position when the EAA becomes a party to the contractual provisions of the instrument. Financial assets and financial liabilities are initially measured at fair value. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition.

## Financial assets

The EAA's financial assets are classified as loan and receivables and held-to-maturity investments. The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. All regular way purchases or sales of financial assets are recognised and derecognised on a trade date basis. Regular way purchases or sales are purchases or sales of financial assets that require delivery of assets within the time frame established by regulation or convention in the marketplace.

## Effective interest method

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts (including all fees on points paid or received that form an integral part of the effective interest rate, transaction costs and other premiums or discounts) through the expected life of the financial asset, or, where appropriate, a shorter period to the net carrying amount on initial recognition.

Interest income is recognised on an effective interest basis.

## 貸款及應收款項

貸款及應收款項為具有固定或可確定付款且並無在活躍市場報價之非衍生金融資產。於初次確認後每個結算日，貸款及應收款項(包括應收賬款及銀行結餘)按實際利率法以攤銷成本減任何減值虧損列賬(請參閱下文有關金融資產減值之會計政策)。

## 持有至到期投資

持有至到期投資乃具有固定或可確定付款及固定到期日之非衍生金融資產，監管局之管理層有意並有能力持有至到期日。於初次確認後每個結算日，持有至到期投資按實際利率法以攤銷成本減去任何已識別減值虧損計算。(請參閱下文有關金融資產減值之會計政策)。

## 金融資產減值

金融資產於各結算日就出現之減值跡象作出評估。倘有客觀證據顯示，金融資產之預計未來現金流量因金融資產初步確認後發生之一項或多項事件而受到影響，則金融資產出現減值。

減值的客觀證據可包括：

- 發行人或交易方有重大財政困難；或
- 違約，如未能繳付或延遲償還利息或本金；或
- 借款人有可能面臨破產或財務重組；或
- 因財政困難而導致某項金融資產失去活躍市場。

## Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. Subsequent to initial recognition, loans and receivables (including debtors and bank balances) are carried at amortised cost using the effective interest method, less any impairment losses (see accounting policy on impairment loss on financial assets below).

## Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturity dates that the EAA has the positive intention and ability to hold to maturity. Subsequent to initial recognition, held-to-maturity investments are measured at amortised cost using the effective interest method less any impairment losses (see accounting policy on impairment loss on financial assets below).

## Impairment of financial assets

Financial assets are assessed for indicators of impairment at the end of the reporting period. Financial assets are considered to be impaired where there is objective evidence that, as a result of one or more events that occurred after the initial recognition of the financial asset, the estimated future cash flows of the financial assets have been affected.

Objective evidence of impairment could include:

- significant financial difficulty of the issuer or counterparty; or
- breach of contract, such as default or delinquency in interest or principal payments; or
- it becoming probable that the borrower will enter bankruptcy or financial re-organisation; or
- Disappearance of an active market for that financial asset because of financial difficulties.

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就若干類別之金融資產(如應收賬款)而言,並無個別被評估為已減值之資產隨後將按組合基準評估減值。應收款項組合減值之客觀證據可包括監管局之過往收款經驗、組合內延遲還款至超逾平均信貸期之次數增加,以及與應收款項逾期有關之地方經濟狀況明顯改變。

就按攤銷成本列賬之金融資產而言,倘存在資產減值之客觀證據,則減值虧損於損益確認。減值虧損之計算方法為資產賬面金額與預計未來現金流量按原本實際利率貼現之現值之間之差額。

除應收款項之賬面值通過計提撥備削減外,所有金融資產之賬面值均直接按減值虧損予以削減。撥備賬面值之變動於損益內確認。當一項應收款項被認為不可收回,其將從撥備撇銷。隨後追回以前撇銷之款項計入損益。

就按攤銷成本計量之金融資產而言,如在隨後某一期間減值虧損之金額減少,而有關減少可客觀地與確認減值虧損後發生之事件相關連,則之前已確認之減值虧損將透過損益撥回,惟該項資產於撥回減值該日之賬面值不超出倘並無確認減值原應有之攤銷成本。

## 金融負債

監管局發行之金融負債乃根據所簽立合約之內容及金融負債定義而分類。

For certain categories of financial asset, such as debtors, assets that are assessed not to be impaired individually are, in addition, assessed for impairment on a collective basis. Objective evidence of impairment for a portfolio of receivables could include the EAA's past experience of collecting payments, an increase in the number of delayed payments in the portfolio past the average credit period, and observable changes in local economic conditions that correlate with default on receivables.

For financial assets carried at amortised cost, the amount of the impairment loss recognised is the difference between the asset's carrying amount and the present value of the estimated future cash flows discounted at the financial asset's original effective interest rate.

The carrying amount of the financial asset is reduced by the impairment loss directly for all financial assets with the exception of debtors, where the carrying amount is reduced through the use of an allowance account. When a debtor is considered uncollectible, it is written off against the allowance account. Subsequent recoveries of amounts previously written off are credited to profit or loss.

For financial assets measured at amortised cost, if, in a subsequent period, the amount of impairment loss decreases and the decrease can be related objectively to an event occurring after the impairment losses was recognised, the previously recognised impairment loss is reversed through profit or loss to the extent that the carrying amount of the asset at the date the impairment is reversed does not exceed what the amortised cost would have been had the impairment not been recognised.

## Financial liabilities

Financial liabilities are classified in accordance with the substance of the contractual arrangements and the definition of a financial liability.

## 實際利率法

實際利率法為計算於金融負債相關期間之攤銷成本及利息開支分配之方法。實際利率按金融負債預計年期或較短期間(如適用)，準確折現估計未來現金開支至其於首次確認時之賬面淨值之利率，包括構成整體實際利率之一切已付或已收費用及點子、交易成本及其他溢價或折讓。

## 金融負債

金融負債(包括應付賬款及應計項目)乃後期按實際利率法以攤銷成本計算。

## 終止確認

當從資產收取現金流量之合約權利屆滿，或監管局將金融資產及該項資產擁有權之絕大部分風險及回報轉讓至另一實體時，本局會終止確認該項金融資產。倘本局並無轉移亦無保留擁有權之絕大部分風險及回報並繼續控制已轉讓資產，本局會繼續將資產確認入賬，條件為須繼續涉及該項資產，以及確認相關負債。倘本局保留已轉讓金融資產絕大部分風險及回報之擁有權，本局會繼續確認該金融資產，亦就已收取之所得款項確認已抵押借貸。

於終止確認整項金融資產時，資產賬面值與已收及應收代價，及已於其他全面收益中確認之累計收益或虧損之總和之間的差額，將於損益賬中確認。

於並僅於本局之債務獲解除、取消或屆滿時，本局方會終止確認金融負債。終止確認金融負債之賬面值與已付或應付代價之間差額於損益賬確認。

## Effective interest method

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments (including all fees and points paid on received that form an integral part of the effective interest rate, transaction costs and other premiums or discounts) through the expected life of the financial liability, or, where appropriate, a shorter period to the net carrying amount on initial recognition.

## Financial liabilities

Financial liabilities (including creditors and accruals) are subsequently measured at amortised cost, using the effective interest method.

## Derecognition

The EAA derecognises a financial asset only when the contractual rights to the cash flows from the asset expire, or when it transfers the financial asset and substantially all the risks and rewards of ownership of the asset to another entity. If the EAA neither transfers nor retains substantially all the risks and rewards of ownership and continues to control the transferred asset, the EAA continues to recognise the asset to the extent of its continuing involvement and recognises an associated liability. If the EAA retains substantially all the risks and rewards of ownership of a transferred financial asset, the EAA continues to recognise the financial asset and also recognises a collateralised borrowing for the proceeds received.

On derecognition of a financial asset in its entirety, the difference between the asset's carrying amount and the sum of the consideration received and receivable and the cumulative gain or loss that had been recognised in other comprehensive income is recognised in profit or loss.

The EAA derecognises financial liabilities when, and only when, the EAA's obligations are discharged, cancelled or expire. The difference between the carrying amount of the financial liability derecognised and the consideration paid and payable is recognised in profit or loss.

## 租賃

經營租賃付款以直線法，按租期確認為開支，但如另有系統性基準較時間性模式更具代表性，租賃資產之經濟效益據此被消耗除外。

倘訂立經營租賃可以獲得租賃優惠，該等優惠作為負債確認。優惠整體利益以直線法沖減租金開支。然而如另有系統性基準較時間性模式更具代表性，租賃資產之經濟效益據此被消耗除外。

## 僱員福利

### 僱員休假權利

僱員累計年假依應計原則確認。

僱員截至結算日止提供服務所得年假產生的估計負債已作出撥備。

### 僱員福利 — 公積金保障

監管局在香港提供一項強制性公積金計劃（「強積金計劃」）。強積金計劃的資產由獨立受託人管理的基金持有。監管局及其僱員每月均須繳納相等於僱員有關收入5%的供款，上限為港幣1,000元。監管局向強積金計劃的供款於產生時確認為開支。

## Leasing

Operating lease payments are recognised as an expense on a straight-line basis over the lease term, except where another systematic basis is more representative of the time pattern in which economic benefits from the leased asset are consumed.

In the event that lease incentives are received to enter into operating leases, such incentives are recognised as a liability. The aggregate benefit of incentives is recognised as a reduction of rental expense on a straight-line basis, except where another systematic basis is more representative of the time pattern in which economic benefits from the leased asset are consumed.

## Employee benefits

### Employee leave entitlements

Employee entitlements to annual leave are recognised when they accrue to employees.

A provision is made for the estimated liability for annual leave as a result of services rendered by employees up to the end of the reporting period.

### Employee benefits—provident fund obligations

The EAA operates a mandatory provident fund scheme (“MPF scheme”) in Hong Kong. The assets of the MPF scheme are held in a separate trustee—administered fund. Both the EAA and the employees are required to contribute 5% of the employee’s relevant income up to a maximum of HK\$1,000 per employee per month. The EAA’s contributions to the MPF scheme are expensed as incurred.

## 4. 關鍵會計判斷及估計不確定性的主要來源

於應用附註3所述的監管局會計政策時，管理層作出下列對財務報表中已確認的金額有重大影響的判斷。

### 貸款及應收款項的呆壞賬撥備

貸款及應收款項初期以公平價值計算，其後按實際利率法以攤銷成本計算。倘有資產減值的客觀證據，則估計不可收回金額的適當撥備於收支結算表確認。

決定個別撥備時，監管局認為已實施周詳程序以監控此項風險。決定須否作出呆壞賬撥備時，監管局考慮賬齡狀況、收賬的可能性及估計貼現未來現金流量。特定撥備為不太可能收回的貸款及應收款項作出。倘該等債務人的財務狀況惡化，導致削弱其還款能力，則可能須作出撥備。

## 4. Critical Accounting Judgment and Key Sources of Estimation Uncertainty

In the process of applying the EAA's accounting policies, which are described in note 3, management had made the following judgments that have the most significant effect on the amounts recognised in the financial statements.

### *Allowances for bad and doubtful debts of debtors*

Debtors are measured at initial recognition at fair value, and are subsequently measured at amortised cost using the effective interest method. Appropriate allowances for estimated irrecoverable amounts are recognised in the statement of comprehensive income when there is objective evidence that the asset is impaired.

In determining individual allowances, the EAA has considered that detailed procedures have been in place to monitor this risk. In determining whether allowance for bad and doubtful debts is required, the EAA takes into consideration the aging status, the likelihood of collection and the estimated discounted future cash flows. Specific allowance is made for debtors that are unlikely to be collected. If the financial conditions of these debtors were to deteriorate, resulting in an impairment of their ability to make payments, allowances may be required.



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## 5. 牌照費

## 5. Licence Fees

|             |                        | 2012<br>港元<br>HK\$ | 2011<br>港元<br>HK\$ |
|-------------|------------------------|--------------------|--------------------|
| 年度牌照費收入     | Total licence fees     | 68,674,576         | 61,958,975         |
| 一次過寬免半年牌照費用 | Licence fee concession | —                  | (2,695,671)        |
| 年度收支結算表結餘   |                        | 68,674,576         | 59,263,304         |

## 6. 考試費

## 6. Examination Fee

|               |  | 2012<br>港元<br>HK\$ | 2011<br>港元<br>HK\$ |
|---------------|--|--------------------|--------------------|
| 本地資格考試費收入     | Estate agents and salespersons qualifying examinations                             | 10,500,000         | 10,747,000         |
| 中港專業資格互認考試費收入 | Examination for the scheme on the mutual recognition of professional qualification | 343,000            | —                  |
| 年度收支結算表結餘     |  | 10,843,000         | 10,747,000         |

## 7. 稅項

## 7. Taxation

根據《稅務條例》第87條，監管局獲豁免繳納香港利得稅。

The EAA is exempt from Hong Kong Profits Tax under Section 87 of the Inland Revenue Ordinance.

## 8. 物業、設備及器材

## 8. Property, Plant and Equipment

|               |                         | 辦公室裝修<br>Leasehold<br>improvements | 汽車<br>Motor<br>vehicles | 傢具及裝置<br>Furniture and<br>fixtures | 器材<br>Equipment | 總計<br>Total |
|---------------|-------------------------|------------------------------------|-------------------------|------------------------------------|-----------------|-------------|
|               |                         | 港元<br>HK\$                         | 港元<br>HK\$              | 港元<br>HK\$                         | 港元<br>HK\$      | 港元<br>HK\$  |
| <b>成本</b>     |                         | <b>COST</b>                        |                         |                                    |                 |             |
| 於2010年4月1日結餘  | At 1 April 2010         | 3,535,050                          | 1,200,371               | 1,693,096                          | 7,731,093       | 14,159,610  |
| 該年度添置         | Additions               | 59,658                             | —                       | 18,175                             | 1,212,447       | 1,199,780   |
| 註銷            | Disposals               | —                                  | —                       | (3,415)                            | (324,808)       | (328,223)   |
| 於2011年3月31日結餘 | At 31 March 2011        | 3,594,708                          | 1,200,371               | 1,707,856                          | 8,527,732       | 15,030,667  |
| 該年度添置         | Additions               | 52,390                             | 557,264                 | 105,220                            | 975,729         | 1,690,603   |
| 註銷            | Disposals               | —                                  | (1,200,371)             | (15,240)                           | (435,021)       | (1,650,632) |
| 於2012年3月31日結餘 | At 31 March 2012        | 3,647,098                          | 557,264                 | 1,797,836                          | 9,068,440       | 15,070,638  |
| <b>折舊</b>     |                         | <b>DEPRECIATION</b>                |                         |                                    |                 |             |
| 於2010年4月1日結餘  | At 1 April 2010         | 3,255,083                          | 1,200,371               | 1,607,735                          | 6,412,785       | 12,475,974  |
| 該年度提撥         | Provided for the year   | 108,627                            | —                       | 48,450                             | 644,088         | 801,165     |
| 註銷            | Eliminated on disposals | —                                  | —                       | (3,415)                            | (315,706)       | (319,121)   |
| 於2011年3月31日結餘 | At 31 March 2011        | 3,363,710                          | 1,200,371               | 1,652,770                          | 6,741,167       | 12,958,018  |
| 該年度提撥         | Provided for the year   | 157,690                            | 92,509                  | 27,415                             | 674,008         | 951,622     |
| 註銷            | Eliminated on disposals | —                                  | (1,200,371)             | (13,249)                           | (431,148)       | (1,644,768) |
| 於2012年3月31日結餘 | At 31 March 2012        | 3,521,400                          | 92,509                  | 1,666,936                          | 6,984,027       | 12,264,872  |
| <b>賬面淨值</b>   |                         | <b>NET BOOK VALUES</b>             |                         |                                    |                 |             |
| 於2012年3月31日結餘 | At 31 March 2012        | 125,698                            | 464,755                 | 130,900                            | 2,084,413       | 2,805,766   |
| 於2011年3月31日結餘 | At 31 March 2011        | 230,998                            | —                       | 55,086                             | 1,786,565       | 2,072,649   |

## Financial Statements

物業、設備及器材的折舊及攤銷乃以直線法計算，按有關項目的估計使用年限撇銷其成本，所採用的年率如下：

|       |                       |
|-------|-----------------------|
| 辦公室裝修 | 20%或根據租約年期<br>(倘少於五年) |
| 汽車    | 30%                   |
| 傢具及裝置 | 20%                   |
| 器材    | 20%至30%               |

Depreciation are recognised so as to write off the cost of items of property, plant and equipment over their estimated useful lives, using the straight-line method, at the following rates per annum:

|                        |   |
|------------------------|---|
| Leasehold improvements | 20% or over the period of the lease term if it is less than 5 years |
| Motor vehicles         | 30%   |
| Furniture and fixtures | 20%   |
| Equipment              | 20% to 30%  |

### 9. 持有至到期投資

### 9. Held-to-maturity Investments

|           |                                     | 2012<br>港元<br>HK\$ | 2011<br>港元<br>HK\$ |
|-----------|-------------------------------------|--------------------|--------------------|
| 港元存款證     | Certificate of deposit              | —                  | 12,077,568         |
| 就申報目的之分析： | Analysed for reporting purposes as: |                    |                    |
| 流動        | Current                             | —                  | 12,077,568         |
| 非流動       | Non-current                         | —                  | —                  |

港元存款證並非在金融市場進行公開交易而固定年利率為1.28%至1.47% (2011: 1.28%–1.47%)，利息每季定時發放而投資本金已於2012年3月31日結算年度內到期歸還(將在十二個月內到期歸還)。

The certificate of deposit was not listed and carried fixed interest at 1.28%–1.47% (2011: 1.28%–1.47%) per annum, payable quarterly, and matured during the year ended 31 March 2012 (within the next twelve months).

## 10. 銀行結餘及現金

銀行結餘及現金包括監管局持有的現金及原本到期日為89至95日(2011: 90至92日)且按每年0.01%至每年0.8%(2011年: 每年0.01%至每年0.74%)不等的市場利率計算的短期銀行存款。監管局認為該等資產的賬面金額與其公平價值相若。

## 11. 遞延收入

遞延收入指地產代理為牌照有效期繳交的牌照費用，根據監管局的收入確認政策作遞延處理。

## 12. 已收牌照申請款項

該等款項指地產代理連同牌照申請一併繳交，並於結算日仍在處理中的款項。

## 13. 資本承擔

## 10. Bank Balances and Cash

Bank balances and cash comprise cash held by the EAA and short-term bank deposits with an original maturity of 89–95 days (2011: 90–92 days) at prevailing market interest rates ranging from 0.01% per annum to 0.8% per annum (2011: 0.01% per annum to 0.74% per annum). The EAA considers that the carrying amounts of these assets approximate their fair values.

## 11. Deferred Income

Deferred income represents licence fees received from estate agents for a validity period, which are deferred according to the EAA's income recognition policy.

## 12. Licence Applications Received

These represent monies paid by estate agents together with the applications for the licences which were still being processed at the end of the reporting period.

## 13. Capital Commitments

|   | 2012<br>港元<br>HK\$ | 2011<br>港元<br>HK\$ |
|---|--------------------|--------------------|
| 已授權但未簽約的收購物業、設備及器材的資本支出   | 4,570,062          | 2,277,062          |
| Capital expenditure in respect of the acquisition of property, plant and equipment authorised but not contacted for |                    |                    |

# Financial Statements

## 14. 營業租約承擔

於結算日，監管局就租用樓宇的不可終止營業租約項下須於未來支付的最低租約款項承擔如下：

|                    |                                       | 2012<br>港元<br>HK\$ | 2011<br>港元<br>HK\$ |
|--------------------|---------------------------------------|--------------------|--------------------|
| 一年內                | Within one year                       | 3,368,260          | 5,774,160          |
| 第二年至第五年內(首尾兩年包括在內) | In the second to fifth year inclusive | —                  | 3,368,260          |
|                    |                                       | 3,368,260          | 9,142,420          |

營業租約承擔指監管局就其若干辦公室樓宇的應付租金。租約平均議定期為三年。

## 14. Operating Lease Commitments

At the end of the reporting period, the EAA had commitments for future minimum lease payments under non-cancellable operating leases in respect of rented premises which fall due as follows:

Operating lease payments represent rentals payable by the EAA for certain of its office premises. Leases are negotiated for and rentals are fixed for an average term of three years.

## 15. 資本風險管理

監管局的資本主要由其註冊成立以來的累積資金構成，監管局管理資本以確保其持續經營為目的，以促進地產代理的專業操守及提高從業員的專業水平。

監管局定期審核並管理其資本，以確保備有充裕的資本支持經營及資本需求。監管局對產生的資本盈餘實行零攤派政策。所有資本盈餘轉入累積資金，以應付未來經營的需求。地產代理每年須向監管局繳付牌費。

監管局定期檢討增加牌照費的需要，確保妥善切合經營需求。

## 15. Capital Risk Management

The EAA's capital comprises primarily the fund accumulated since its incorporation and its objective when managing capital is to ensure that the EAA will be able to continue as a going concern so that it can continue to promote integrity and competence of estate agents.

The EAA regularly reviews and manages its capital to ensure adequacy for both the operational and capital needs. The EAA operates a zero distribution policy with regard to surpluses generated. All surpluses are transferred to the cumulative fund for future operational needs. The EAA charges an annual licence fees on the estate agent.

The EAA regularly reviews the need to increase licence fees to ensure operational needs are fully covered.

## 16. 金融工具

### a. 金融工具類別

|                     |   | 2012<br>港元<br>HK\$ | 2011<br>港元<br>HK\$ |
|---------------------|---|--------------------|--------------------|
| <b>金融資產：</b>        | <b>Financial assets:</b>                                    |                    |                    |
| 貸款及應收款項(包括現金及現金等價物) | Loans and receivables (including cash and cash equivalents) | 170,062,170        | 131,573,390        |
| 持有至到期投資             | Held-to-maturity investments                                | —                  | 12,077,568         |
| <b>金融負債：</b>        | <b>Financial liabilities:</b>                               |                    |                    |
| 以攤銷成本計值之金融負債        | Amortised costs   | 7,719,412          | 7,148,679          |

### b. 金融風險管理目標及政策

監管局之主要金融工具包括持有至到期投資、應收賬款、銀行結餘及應付賬款及應計項目。該等金融工具詳情於各自之附註披露。該等金融工具之相關風險包括市場風險(包括利率風險)、信貸風險及流動資金風險。管理層管理及監控該等風險，以確保及時有效地實行適當措施。

#### 市場風險

##### 現金流量利率風險

監管局承擔有息金融資產之利率改變所帶來之現金流量利率風險。有息金融資產主要為銀行及外匯基金債券結餘，全屬短期性質。因此，未來任何利率變動均不會對監管局之業績造成重大影響。

## 16. Financial Instruments

### a. Categories of financial instruments

|   |   | 2012<br>港元<br>HK\$ | 2011<br>港元<br>HK\$ |
|---|---|--------------------|--------------------|
| <b>Financial assets:</b>                                    | <b>Financial assets:</b>                                    |                    |                    |
| Loans and receivables (including cash and cash equivalents) | Loans and receivables (including cash and cash equivalents) | 170,062,170        | 131,573,390        |
| Held-to-maturity investments                                | Held-to-maturity investments                                | —                  | 12,077,568         |
| <b>Financial liabilities:</b>                               | <b>Financial liabilities:</b>                               |                    |                    |
| Amortised costs   | Amortised costs   | 7,719,412          | 7,148,679          |

### b. Financial risk management objectives and policies

The EAA's major financial instruments include held-to-maturity investments, debtors, bank balances and creditors and accruals. Details of the financial instruments are disclosed in respective notes. The risks associated with these financial instruments include market risk (including interest rate risk), credit risk and liquidity risk. The policies on how to mitigate these risks are set out below. The management manages and monitors these exposures to ensure that appropriate measures are implemented in timely and effective manner.

#### Market risk

##### Cash flow interest rate risk

The EAA is exposed to cash flow interest rate risk through the impact of rate changes on interest bearing financial assets. Interest bearing financial assets are mainly balances with banks which are all short term in nature. Therefore, any future variation in interest rates will not have a significant impact on the results of the EAA.



# Financial Statements

監管局承擔之公平價值利率風險源於持有至到期含固定年利率之投資。由於監管局有定期監察及在有需要時作出行動應對公平價值利率之風險變化，故此風險變化不會對監管局構成影響。

## 信貸風險

信貸風險指因對方未履行合約責任而致使監管局遭受財政損失之風險。監管局一直跟進因對方而承擔之信貸風險，從而對其進行監控及審核。

為了將信貸風險降至最低，監管局於每個結算日就應收款項之可收回金額進行檢討，以確保為不可收回金額作出足夠減值虧損撥備。就此而言，監管局認為其信貸風險已大幅降低。

就流動基金而言，由於對方為高度信貸評級之銀行，故信貸風險有限。

## 流動資金風險

監管局管理層對流動資金風險負有最終管理責任，彼等已就監管局之短期、中期及長期基金及流動資金管理要求設立合適之流動資金風險管理框架。監管局管理層維持足夠儲備並持續監控預測及實際現金流量，以管理流動資金風險。

The EAA's fair value interest rate risk relates primarily to the held-to-maturity investments which carried fixed interest rate. The fair value interest rate risk is limited as the EAA monitors the fair value interest rate risk exposures and will take action should the need arises.

## Credit risk

Credit risk refers to the risk that the counterparty will default on its contractual obligations resulting in financial loss to the EAA. The EAA's exposure of its counter parties are continuously monitored, received and approved.

In order to minimise the credit risk, the EAA reviews the recoverable amount of the receivables at the end of each reporting period to ensure that adequate impairment losses are made for irrecoverable amounts. In this regard, the EAA considers that the EAA's credit risk is significantly reduced.

The credit risk on liquid funds is limited because the counterparties are banks with good reputation.

## Liquidity risk

Ultimate responsibility for liquidity risk management rests with the management of the EAA, which has built an appropriate liquidity risk management framework for the management of the EAA's short, medium and long-term funding and liquidity management requirements. The management of the EAA manages liquidity risk by maintaining adequate reserves and continuously monitors the forecast and actual cash flows.

# 財務報表

## 流動資金表

下表詳述監管局非衍生金融負債之剩餘合約年期。該表乃根據於監管局可能被要求付款之最早日期之金融負債未貼現現金流量編製。

## Liquidity table

The following table details the EAA's remaining contractual maturity for its non-derivative financial liabilities on the agreed repayment terms. The table has been drawn up based on the undiscounted cash flows of financial liabilities based on the earliest date on which the EAA can be required to pay.

|              |                        | 加權平均<br>實際利率<br>Weighted<br>average<br>effective<br>interest rate<br>% | 0至30天<br>0-30<br>days<br>港元<br>HK\$ | 31至60天<br>31-60<br>days<br>港元<br>HK\$ | 未貼現現金<br>流量總額<br>Total<br>undiscounted<br>cash flows<br>港元<br>HK\$ | 賬面值<br>Carrying<br>amount<br>港元<br>HK\$ |
|--------------|------------------------|--|-------------------------------------|---------------------------------------|--|---|
| <b>2012年</b> | <b>2012</b>            |  |                                     |                                       |  |   |
| 應付賬款及應計項目    | Creditors and accruals | —  | 7,700,659                           | 18,753                                | 7,719,412  | 7,719,412                               |
| <b>2011年</b> | <b>2011</b>            |  |                                     |                                       |  |   |
| 應付賬款及應計項目    | Creditors and accruals | —  | 7,148,679                           | —                                     | 7,148,679  | 7,148,679                               |

### c. 公平價值

金融資產及金融負債之公平價值乃根據一般公認之定價模型釐定。定價模型是採用可觀察得到之現有市場交易價格及類似工具之交易商報價，以貼現現金流量分析為基礎。

監管局認為，財務報表中按攤銷成本記錄之金融資產及金融負債賬面金額與其公平價值相若。

### c. Fair values

The fair values of financial assets and financial liabilities are determined in accordance with generally accepted pricing models based on discounted cash flow analysis.

The EAA considers that the carrying amounts of financial assets and financial liabilities recorded at amortised cost in the financial statements approximate their corresponding fair values.

