

# 提升把關措施 Advances in Gatekeeping







# 提升把關措施

## Advances in Gatekeeping

### 提升把關措施

#### 資格考試

「能力」是客戶對我們的持牌人期望的主要素質之一。因此，作為把關者，我們要確保投身地產代理行業的人士具備提供相關服務所需的知識。而獲取牌照以從事地產代理行業的其中一個先決條件，就是通過相關的資格考試。監管局目前提供兩類資格考試，分別為：(i) 地產代理資格考試及(ii) 營業員資格考試。

### Advances in Gatekeeping

#### Qualifying Examinations

“Ability” is one of the major qualities that clients expect from our licensees. As a gatekeeper to ensure persons entering the trade possess the required knowledge to provide estate agency services, a prerequisite for obtaining a licence to practise in the estate agency industry is to pass the relevant qualifying examination. Currently, the EAA offers two types of qualifying examinations, namely: (i) the Estate Agents Qualifying Examination (“EAQE”) and (ii) the Salespersons Qualifying Examination (“SQE”).

於2019/20年度舉行的地產代理資格考試與營業員資格考試的比較如下：

**A comparison of the EAQE and SQE held in 2019/20 is as follows:**

	地產代理資格考試 EAQE	營業員資格考試 SQE
考試場次 Number of Sessions	4 場 <sup>1</sup> 4 sessions <sup>1</sup>	筆試應考模式：6 場 <sup>2</sup> Paper-based: 6 sessions <sup>2</sup> 電腦應考模式：9 場 <sup>3</sup> Computer-based: 9 sessions <sup>3</sup>
考試時間 Examination Time	3 小時 3 hours	2 小時 30 分鐘 2 hours 30 minutes
試題數目 Number of Questions	第一部分：30 條獨立試題 Part 1: 30 stand-alone questions 第二部分：20 條試題（依據一至兩個個案分析） Part 2: 20 questions based on one or two case studies	第一部分：40 條獨立試題 Part 1: 40 stand-alone questions 第二部分：10 條試題（依據一至兩個個案分析） Part 2: 10 questions based on one or two case studies
形式 Format	多項選擇題 Multiple-choice questions	
合格分數 Pass Mark	每部分最少需答對 60% At least 60% of correct answers in each part	

<sup>1</sup> 鑑於2019冠狀病毒病疫情的發展，原定於3月舉行的一場地產代理資格考試被取消。

<sup>2</sup> 鑑於社會運動及2019冠狀病毒病疫情的發展，原訂於2019年11月及2020年2月舉行的兩場營業員資格考試被取消。

<sup>3</sup> 監管局在2019年7月推行一個電腦應考模式的營業員資格考試（「電腦模式考試」）試行計劃。在該試行計劃下，每月舉行一次電腦模式考試（即一年共舉辦12場電腦模式考試）。鑑於2019冠狀病毒病疫情的發展，原訂於2020年2月及3月舉行的兩場電腦模式考試被取消。

<sup>1</sup> Due to the development of COVID-19, one EAQE session was cancelled in March 2020.

<sup>2</sup> Due to social movements and the development of COVID-19, two SQE sessions were cancelled in November 2019 and February 2020.

<sup>3</sup> The EAA launched a pilot scheme of computer-based SQEs (“CBEs”) in July 2019. Under the pilot scheme, CBEs are to be held once a month (i.e. 12 CBEs each year). Due to the development of COVID-19, two CBE sessions were cancelled in February and March 2020.

通過地產代理資格考試的考生可申請地產代理(個人)牌照或營業員牌照；而通過營業員資格考試的考生則僅可申請營業員牌照。

2019/20年度的資格考試，由職業訓練局高峰進修學院代表監管局舉辦。

資格考試包括兩個部分，其中一部分為獨立試題，另一部分為個案分析。考生必須在兩個部分均取得合格成績，方能通過考試。

考試的第一部分測試考生對地產代理資格考試及營業員資格考試內容綱要中各個範疇的認識，包括適用於地產代理業務的法律和常規；第二部分則測試考生將知識應用於實際情景的能力。

A candidate who passes the EAQE may apply for either an estate agent's licence (individual) or a salesperson's licence. A candidate who passes the SQE can apply for a salesperson's licence only.

The qualifying examinations are administered by the Institute of Professional Education And Knowledge ("PEAK") of the Vocational Training Council ("VTC") on behalf of the EAA in 2019/20.

The qualifying examinations comprise two parts – one consisting of stand-alone questions and the other consisting of questions on case studies. Candidates must pass both parts in order to pass the examination.

Part 1 of the examination is intended to test candidates' knowledge of various parts of the syllabi of the EAQE and SQE, including the laws and practices applicable to the estate agency practice, while Part 2 is intended to test candidates' ability to apply the knowledge to practical scenarios.



監管局舉辦資格考試以評估有關人士是否具備提供地產代理服務所需的知識。  
Qualifying examinations are organised to assess whether persons possess the requisite knowledge to provide estate agency services.

### 有關資格考試的報考及應考人數

在2019/20年度，報考地產代理資格考試的人數為4,376人，報考營業員資格考試的人數則為5,412人，兩者分別較去年減少約28.6%及29.2%。

與2018/19年度相比，實際應考地產代理資格考試的人數減少約29.4%至3,866人，而應考營業員資格考試的人數則減少約30.1%至4,729人。

在2019/20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25%及30.8%，而2018/19年度兩個考試的合格率則為23.8%及29.5%。

### Number of registrants and candidates for qualifying examinations

A total of 4,376 persons registered for the EAQE and 5,412 persons registered for the SQE in 2019/20, representing a decrease of about 28.6% and a decrease of about 29.2% respectively over those of the previous year.

Compared to that in 2018/19, the number of examination candidates that actually took the EAQE decreased by about 29.4% to 3,866 and in the case of the SQE it decreased by about 30.1% to 4,729.

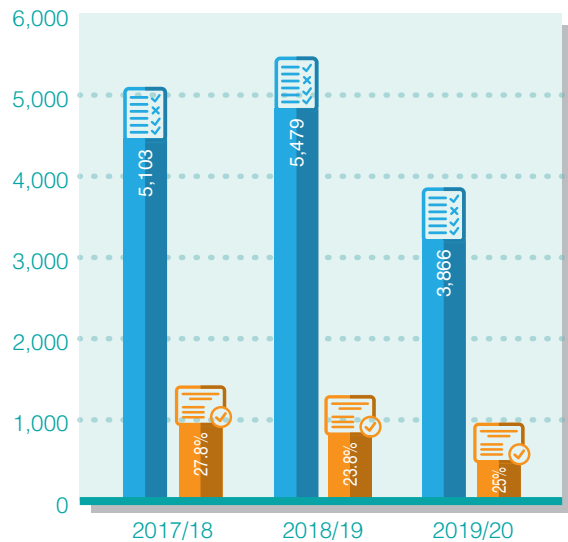
In 2019/20, the average pass rate for the EAQE and SQE were 25% and 30.8% respectively, as against 23.8% and 29.5% respectively in 2018/19.



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## 地產代理資格考試

### Estate Agents Qualifying Examination



應考人數

Number of examination candidates

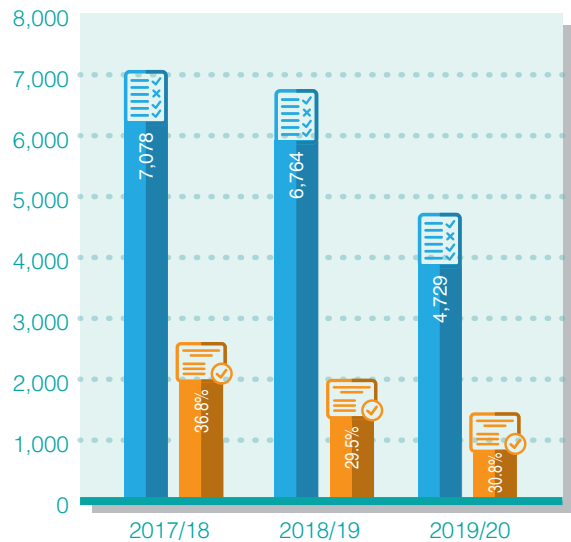


合格率

Pass rate

## 營業員資格考試

### Salespersons Qualifying Examination



## 應考考生學歷

在2019/20年度，應考營業員資格考試的考生中，具備大專或以上學歷的比率約有32%，至於應考地產代理資格考試，具備大專或以上學歷的考生比率則約為46%，而2018/19年度的比率則分別為33%及48%。一般來說，學歷較高的考生所考取的分數比學歷較低的考生為高。

## Educational background of candidates

In 2019/20, the percentage of candidates who took the SQE and who have attained tertiary or above educational level was about 32%, and that for the EAQE was about 46%, as compared to 33% and 48% respectively in 2018/19. Generally, candidates with higher educational qualifications scored higher marks than those candidates with lower educational qualifications.

	學歷 Education Level	2017/18		2018/19		2019/20	
		應考考生 比率 % of candidates	合格率 Pass rate	應考考生 比率 % of candidates	合格率 Pass rate	應考考生 比率 % of candidates	合格率 Pass rate
地產代理 資格考試 EAQE	中五 F.5	26.7%	22.9%	27.5%	18.5%	26.8%	16.2%
	中六或中七 F.6 or F.7	8.1%	24.5%	8.0%	19.0%	8.2%	22.7%
	大專或以上 Tertiary or above	46.8%	31.2%	47.5%	26.9%	45.7%	62.1%
	資料不詳 Unknown	18.4%	28.0%	17.0%	25.9%	19.3%	24.5%
營業員 資格考試 SQE	中五 F.5	36.8%	32.2%	35.6%	25.5%	35.9%	27.3%
	中六或中七 F.6 or F.7	16.1%	31.3%	15.8%	24.0%	15.2%	22.6%
	大專或以上 Tertiary or above	30.4%	45.3%	33.1%	36.2%	32.3%	76.4%
	Unknown 資料不詳	16.7%	37.4%	15.5%	29.9%	16.6%	33.7%

### 報考人士的職業背景

報考資格考試的人士當中不乏學生及來自各行各業的人士，包括零售及批發、物業管理、銀行、會計及投資。首次參加資格考試的考生約有 43%。

### Occupational background of registrants

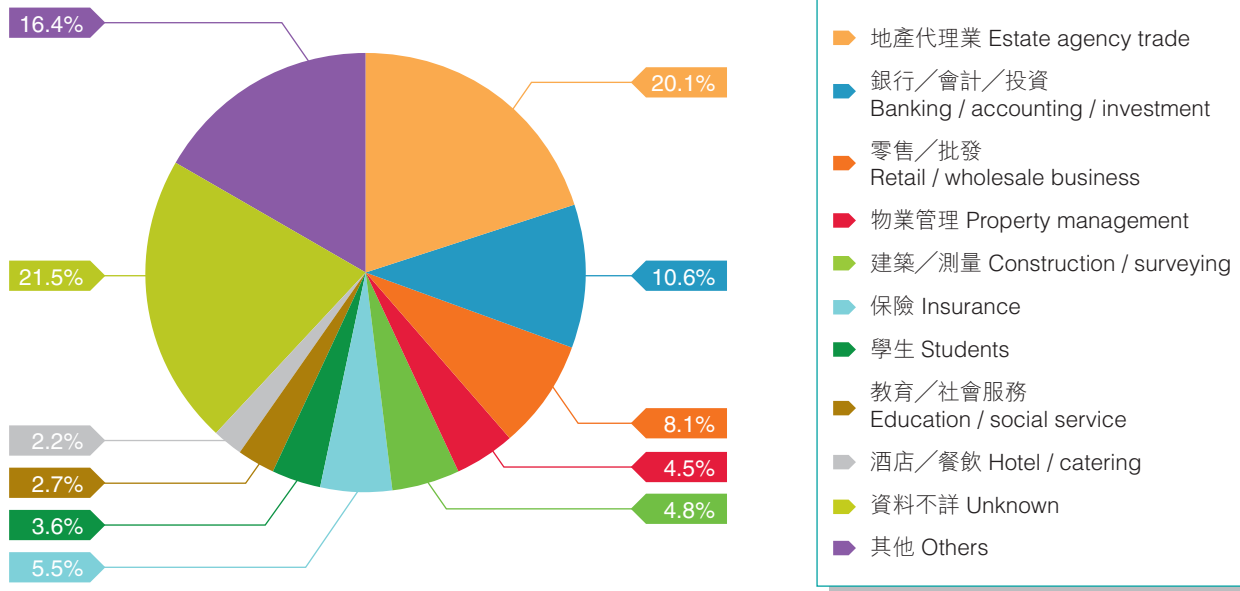
Persons registered for the qualifying examinations included students and people from a wide range of occupational backgrounds, including the retail and wholesale business, property management, banking, accounting, and investment. About 43% of the candidates attempted the examination for the first time.



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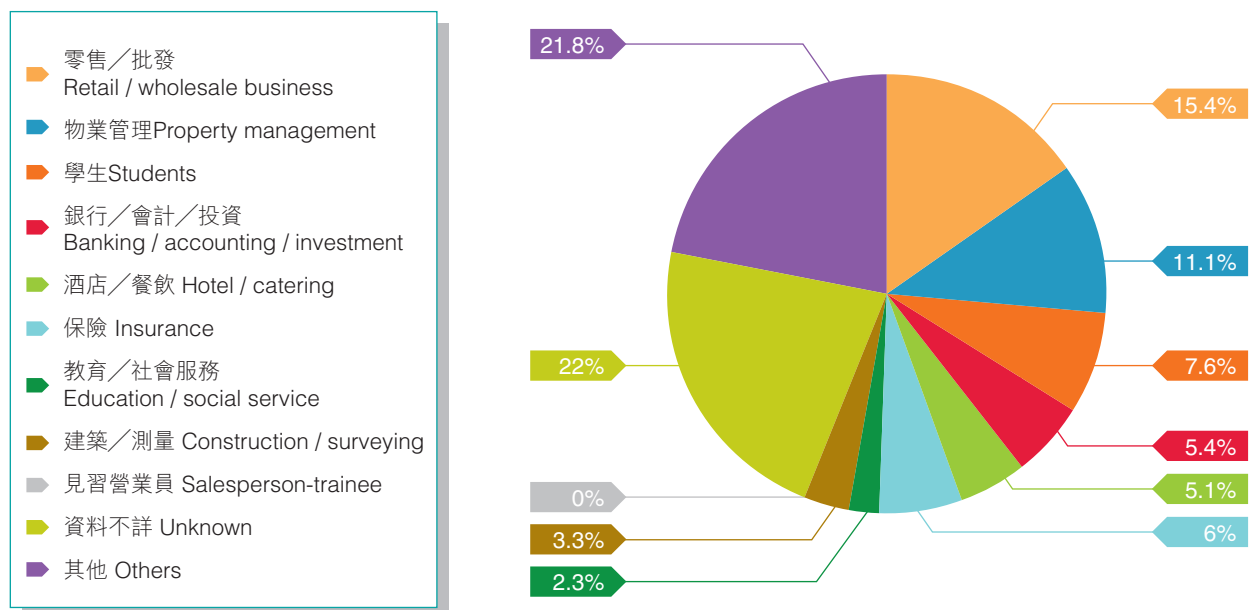
### 地產代理資格考試

#### Estate Agents Qualifying Examination



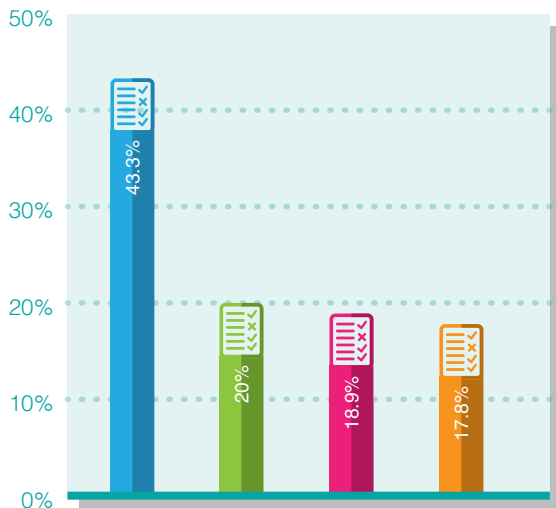
### 營業員資格考試

#### Salespersons Qualifying Examination



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

地產代理資格考試  
Estate Agents Qualifying Examination



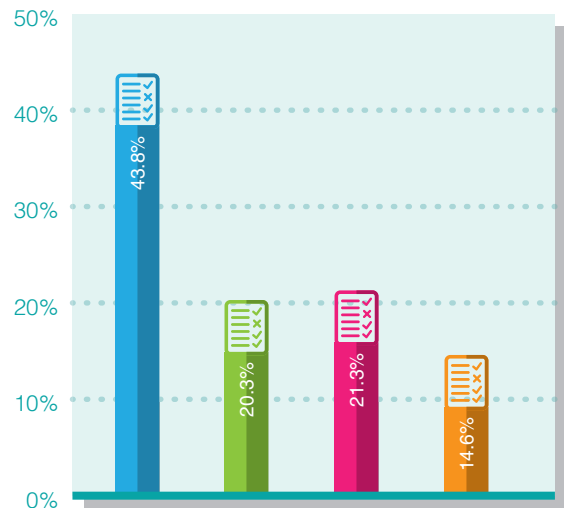
首次應考  
First attempt

第二次應考  
Second attempt

第三次或以上應考  
Third attempt or above

資料不詳  
Unknown

營業員資格考試  
Salespersons Qualifying Examination



### 轉換服務供應商及推出電腦應考模式考試

由2019年4月開始，所有監管局的資格考試均由職業訓練局高峰進修學院舉辦。營業員資格考試及地產代理資格考試均提供筆試應考模式。

另外，為提供另一個選擇及彈性予考生，監管局為營業員資格考試推出一個新的電腦應考模式的試行計劃。自2019年7月以來，監管局每月均舉辦一場電腦應考模式的營業員資格考試（2020年2月及3月份除外）。

### 因應突發事件導致資格考試取消及改期

鑑於2019年11月的社會運動及2019冠狀病毒病疫情的發展，監管局以考生及監考人員的人身安全及／或健康為考量，於2019/20年度取消了一場地產代理資格考試、兩場筆試應考模式的營業員資格考試，及兩場電腦應考模式的營業員資格考試。上述所有被取消的考試已獲安排改期。

### Change of service provider and launch of computer-based examinations

With effect from April 2019, all the EAA's qualifying examinations are administered by PEAK of the VTC. Both the SQE and the EAQE are available in paper-based format.

In order to provide another option and flexibility for candidates, the EAA has launched a new pilot scheme of computer-based examination ("CBE") for the SQE. Since July 2019, there has been one CBE for the SQE every month except for February and March 2020.

### Cancellation and Re-schedule of Qualifying Examinations Due to Unexpected Events

Due to social movements in November 2019, the development of COVID-19, and having regard for the personal safety and/or health of the candidates and examination personnel attending the examinations, the EAA cancelled one EAQE, two paper-based SQEs and two computer-based SQEs in 2019/20 and all of them have been re-scheduled.





# 提升把關措施

## Advances in Gatekeeping

### 發牌

#### 發牌制度

除《地產代理條例》及其附屬法例規定的某些例外情況外，任何在香港從事地產代理工作的人士，必須持有有效的牌照，否則會觸犯法例。

在發牌制度下，牌照分為兩種，分別為營業員牌照及地產代理牌照。營業員牌照僅會批予個人；而地產代理牌照則可批予個人或公司。

持有營業員牌照的個人只可為持牌地產代理從事地產代理工作，而持有地產代理牌照的個人則可為持牌地產代理從事地產代理工作或以獨資經營者、合夥經營的合夥人或持有地產代理牌照的公司董事身份從事地產代理工作。他亦可被委任為地產代理轄下某一營業地點的經理，負責有效及獨立控制其業務<sup>1</sup>。

地產代理在某個地點以特定營業名稱經營地產代理業務前，必須向監管局申請批給營業詳情說明書。

任何個人必須符合以下要求，方可獲發地產代理牌照或營業員牌照：

- 年滿18歲；
- 完成中學五年級或同等程度的教育；
- 在有關的資格考試中考獲合格成績<sup>2</sup>；及
- 被監管局認為是持牌的「適當人選」。

<sup>1</sup> 《地產代理條例》第38條規定，地產代理轄下的每個營業地點，須由一名經理有效和獨立的控制，而該名經理必須為地產代理(個人)牌照的持有人。

<sup>2</sup> 申請人必須於提交牌照申請當日起計的前12個月內在資格考試中考獲合格成績。

### Licensing

#### Licensing Regime

Subject to certain exceptions as stipulated in the EAO and its subsidiary legislation, any person who carries on estate agency work in Hong Kong must hold a valid licence. Failure to do so is an offence.

Under the licensing regime, there are two types of licences, namely, salesperson's licence and estate agent's licence. A salesperson's licence may only be granted to an individual while an estate agent's licence may be granted either to an individual or a company.

An individual holding a salesperson's licence may only perform estate agency work for a licensed estate agent, whereas an estate agent's licence holder may perform estate agency work either for a licensed estate agent or in his capacity as a sole proprietor, a partner of a partnership, or a director of a company holding an estate agent's licence. He may also be appointed as a manager of an office of an estate agency business responsible for its effective and separate control<sup>1</sup>.

Before operating an estate agency business at a particular place of business using a particular business name, an estate agent is required to apply for a statement of particulars of business ("SPOB").

To be granted an estate agent's licence or a salesperson's licence, an individual must fulfill the following requirements:

- having attained the age of 18 years;
- having completed an educational level of Form Five of secondary education or its equivalent;
- having passed the relevant qualifying examination<sup>2</sup>; and
- having been considered by the EAA a "fit and proper" person.

<sup>1</sup> Section 38 of the EAO requires each office of an estate agency business to be under the effective and separate control of a manager who must be a holder of an estate agent's licence (individual).

<sup>2</sup> The qualifying examination must have been passed within 12 months immediately before the date of an application for the grant of a licence.

## 發牌數字

在2019/20年度，個人牌照的總數較上年度輕微減少。截至2020年3月31日，個人牌照的總數為39,358個，較去年同期下跌1.3%。在這些持牌人士中，21,237人持有營業員牌照，18,121人持有地產代理(個人)牌照。

公司牌照及營業詳情說明書的數目亦有所減少，分別為3,802個及6,952個，較2019年3月31日分別下跌0.1%及1.8%。

在2019/20年度，監管局共批出2,150個新申領的個人牌照，較上年度減少22.9%。

## Licensing Figures

In the year of 2019/20, the total number of individual licences dropped slightly as compared with that of last year. As at 31 March 2020, there were 39,358 individual licences, representing a decrease of 1.3% over that of the previous year. Among these licences, 21,237 were salesperson's licences and 18,121 were estate agent's licences (individual).

The number of company licences and SPOBs also decreased, respectively to 3,802 and 6,952, representing a decrease of 0.1% and 1.8% over those of 31 March 2019.

In 2019/20, 2,150 new individual licences were granted, a decrease of 22.9% compared to that of the last year.

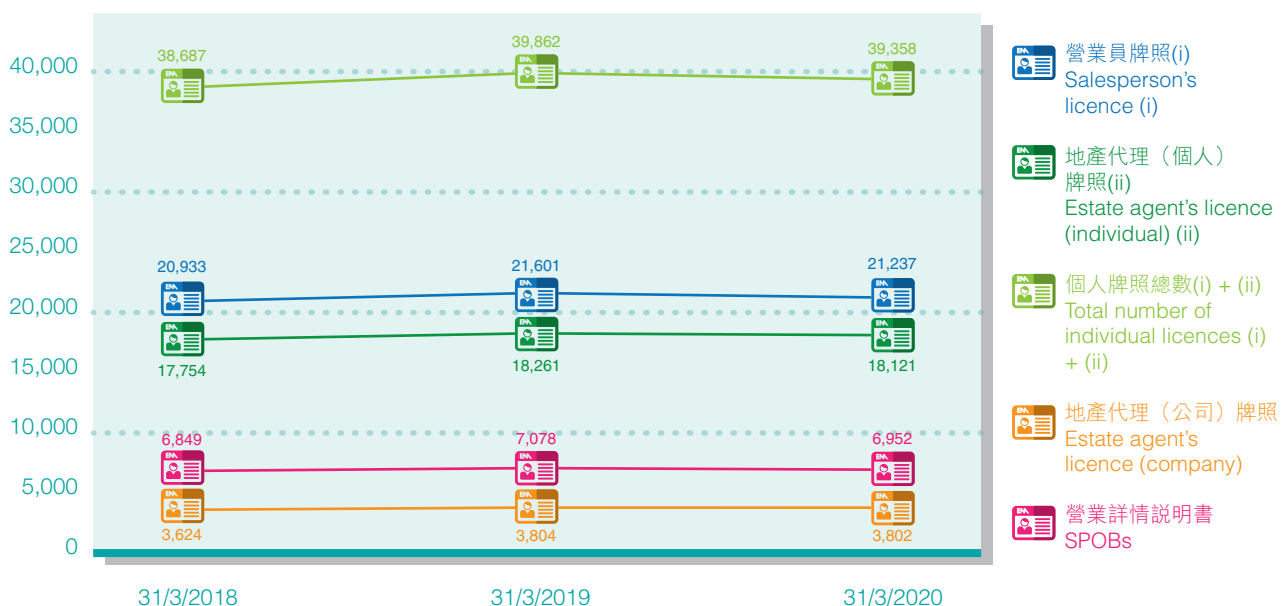


在2019/20年度，監管局共批出2,150個新申領的個人牌照，較上年度減少22.9%。

In 2019/20, 2,150 new individual licences were granted, a decrease of 22.9% compared to that of the last year.

## 過往三年牌照及營業詳情說明書數目

### Number of Licences and SPOBs in the Past Three Years



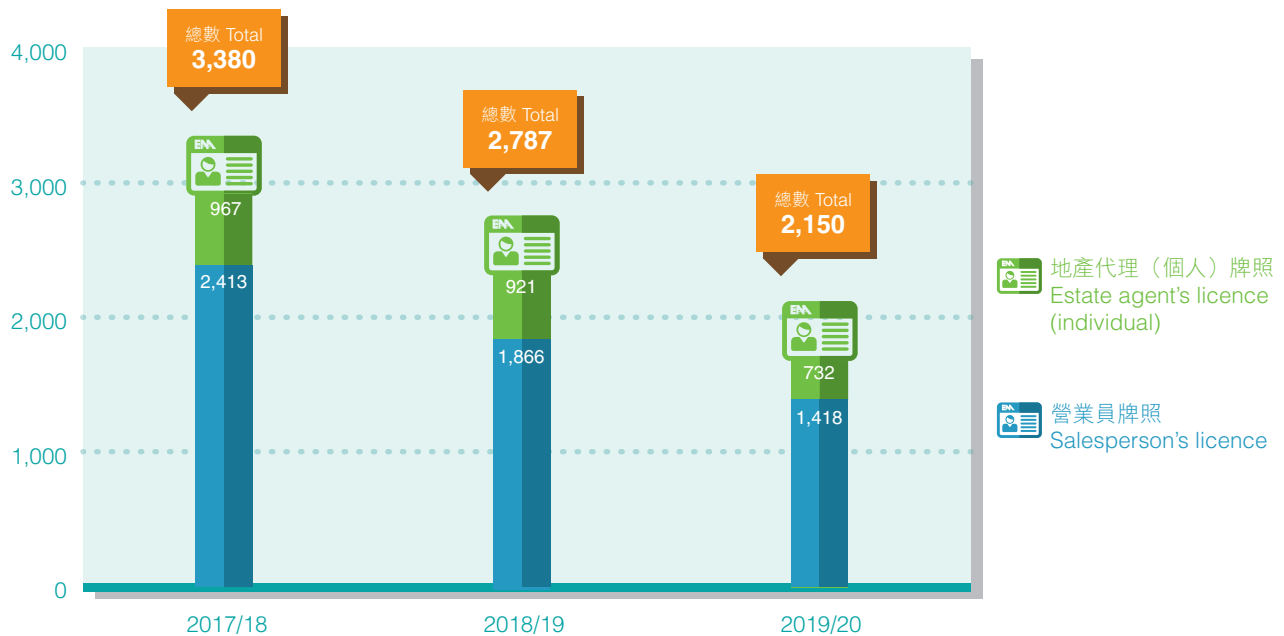


## 提升把關措施

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過往三年新批出的個人牌照數目

### New Licences (Individual) Granted in the Past Three Years

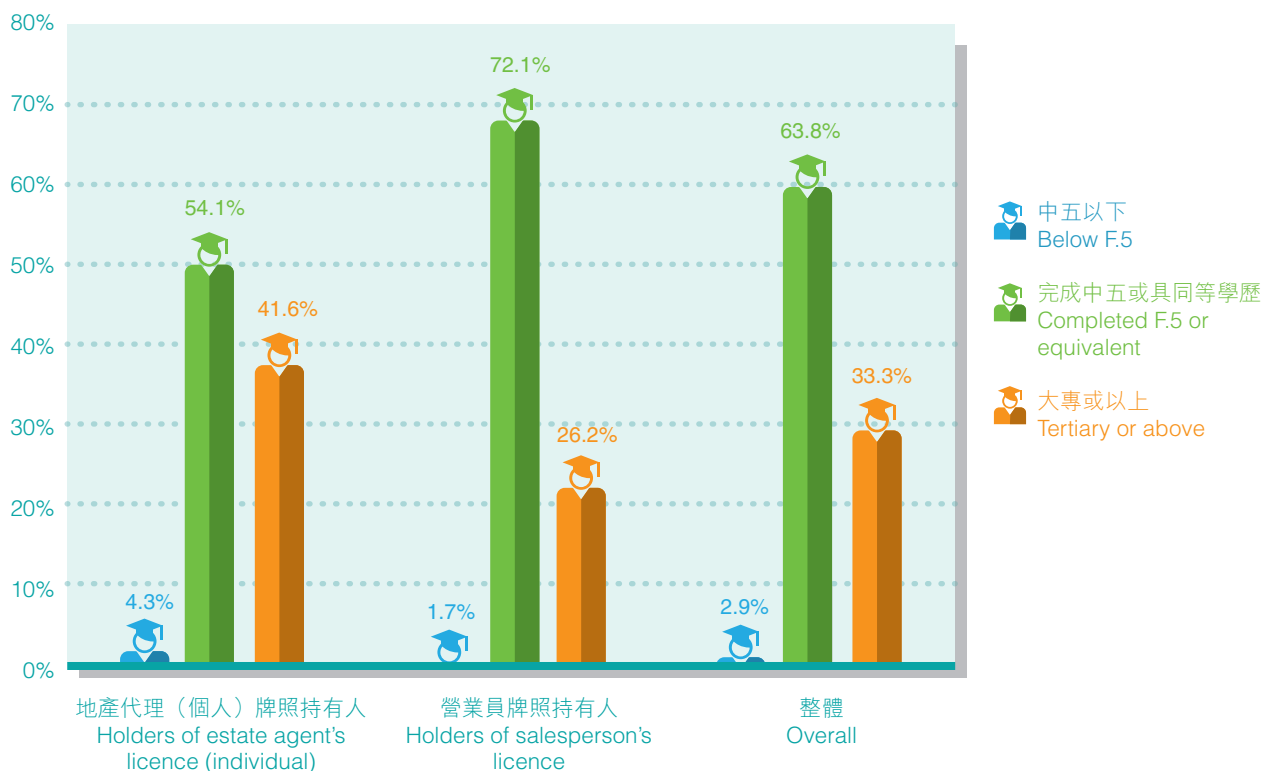


個人持牌人的背景

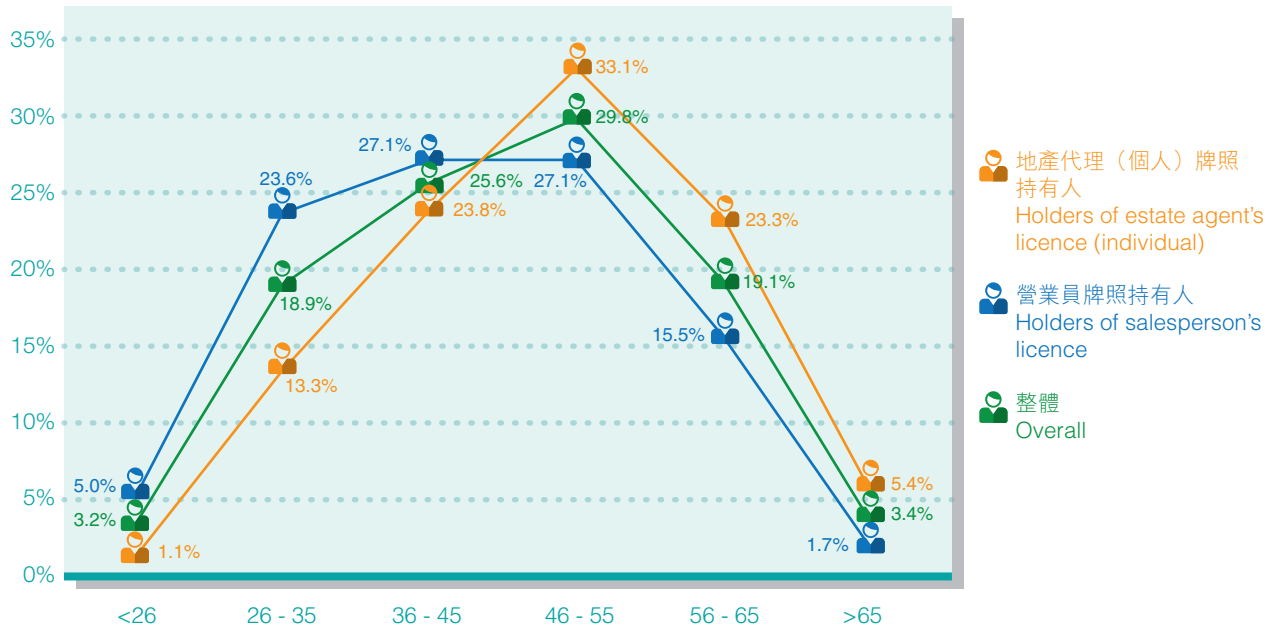
### Background of Individual Licensees

持牌人的學歷水平(截至2020年3月31日)

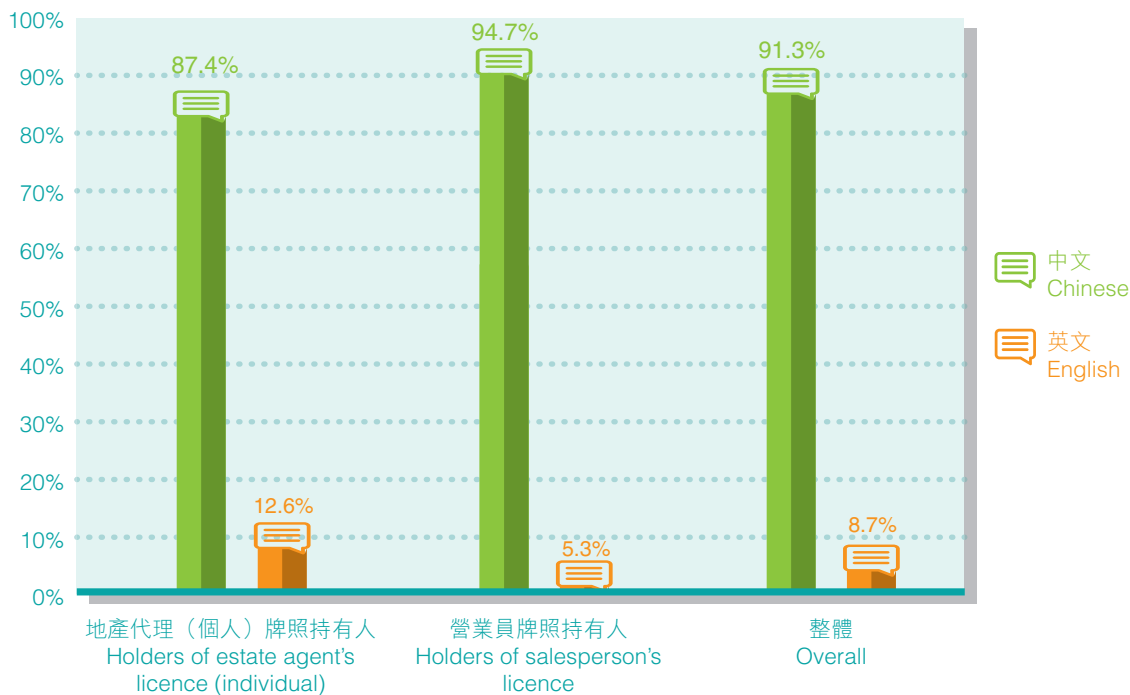
### Educational Level of Licensees (as at 31/3/2020)



持牌人的年齡 (截至 2020 年 3 月 31 日)  
Age of Licensees (as at 31/3/2020)



持牌人所選擇的通訊語言 (截至 2020 年 3 月 31 日)  
Licensees' Choice of Language in Communication (as at 31/3/2020)



#### 地產代理業務的經營概況

一如以往，2019/20 年度大多數地產代理屬於小規模的經營者。截至 2020 年 3 月 31 日，95.1% 的經營者只開設一間店舖，而同時經營五間店舖或以上的只佔少於 1%。

#### Operations of Estate Agency Business

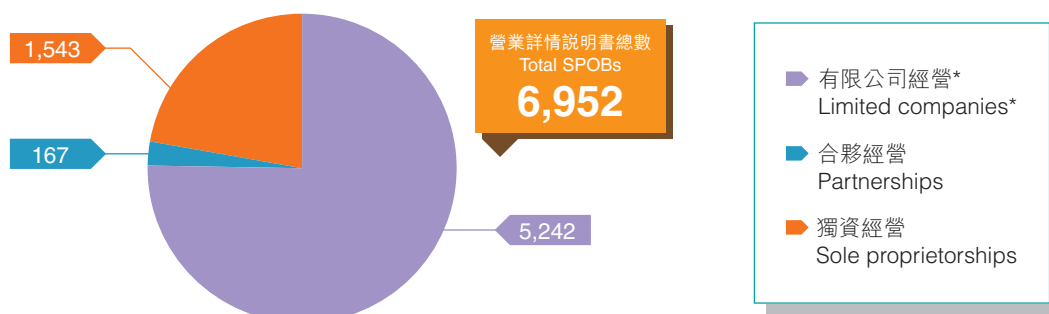
As usual, most of the estate agencies operated in 2019/20 were small scale operators. As at 31 March 2020, 95.1% of agency operators operated as a single shop and less than 1% had five or more shops.



## 提升把關措施 Advances in Gatekeeping

代理業務的經營模式(截至2020年3月31日)

Mode of Operation of Estate Agency Businesses (as at 31/3/2020)



\* 由3,802個公司持牌人經營

\* Operated by 3,802 company licensees

代理業務的規模(截至2020年3月31日)

Size of Operation of Estate Agency Businesses (as at 31/3/2020)

經營者 Operator	店舖數目 * Number of shops*	1	2	3	4	5-10	11-20	21-30	>30
有限公司經營 Limited companies		3,589	136	42	8	19	3	1	4
合夥經營 Partnerships		152	4	1	1	0	0	0	0
獨資經營 Sole proprietorships		1,435	42	4	0	2	0	0	0
小計 Sub-total		5,176	182	47	9	21	3	1	4

\* 即營業詳情說明書

\* i.e. SPOBs

### 不符合發牌條件

牌照申請人必須符合若干的發牌條件方可獲發牌照。倘若牌照申請人未能符合任何發牌條件，監管局將會拒絕其牌照申請。在2019/20年度，監管局共拒絕了105宗牌照申請，原因包括申請人未能符合有關的學歷要求，或不被視為獲批給、持有或繼續持有牌照的「適當人選」(例如破產或因刑事罪行被定罪)。

即使已獲發牌照，倘若持牌人不再符合繼續持有牌照的資格，其牌照亦可能被撤銷。年內，監管局牌照委員會共撤銷了57個牌照，原因是有關持牌人不再符合發牌條件。

### Failure to Meet the Licensing Requirements

A licence applicant must have fulfilled certain requirements in order to be granted a licence. If a licence applicant fails to meet any of the licensing requirements, his/her licence application will be refused. In 2019/20, a total of 105 applications were refused for different reasons, such as applicants were considered not having the required educational qualifications or not being considered “fit and proper” persons to be granted a licence (e.g. bankruptcy or conviction of a criminal offence).

Even if a licence has been granted, a licensee’s licence may be revoked if he/she is no longer eligible to continue to hold a licence. During the year, a total of 57 licences were revoked by the Licensing Committee as the relevant licensees no longer met the licensing requirements.

## 牌照委員會向持牌人採取的行動

## Actions Taken Against Licensees by the Licensing Committee

行動類別 Types of Actions	2017/18	2018/19	2019/20
在牌照上附加條件 Attachment of conditions to licence	97	56	54
暫時吊銷牌照 Suspension of licence	1	0	0
撤銷牌照 Revocation of licence	30	34	57

## 網上牌照續期申請

已於監管局網站註冊電子服務帳戶的個人持牌人，可於網上遞交續牌申請。年內，監管局收到28,673份個人持牌人的續牌申請，其中有37.4%（即10,710份續牌申請）經網上遞交。

在2020/21年度，前持牌人在其個人牌照失效當日起計的24個月內也可於網上遞交牌照申請。

## Online Renewal of Licence Application

Individual licensees who have registered an e-Service account at the EAA's website may submit their licence renewal applications online. During the year, among the 28,673 renewal applications received from individual licensees, 37.4% (i.e. 10,710 renewal applications) were submitted online.

In 2020/21, online submission of licence applications will be extended to former licensees who would like to apply for the re-grant of an individual licence within 24 months from the date on which the licence ceased to be valid.

## 內地與香港地產代理專業資格互認計劃

為推動內地與香港地產代理從業員的專業交流及促進兩地業界的長遠發展，監管局及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日簽訂了一份為期五年的協議，以推行內地與香港地產代理專業資格互認計劃。雙方於2017年簽訂有關計劃的續約協議，續期五年。

根據協議，在五年的協議期內，雙方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。完成上述課程並順利通過考試後，獲推薦人士可申請中房學登記證書或監管局牌照。

首兩期培訓課程及考試已分別於2011年7月及2017年12月舉行，共363名曾參與培訓課程的香港從業員及94名內地從業員通過考試，合資格申請對方的專業資格。在這457名參與者當中，有338名香港和65名內地從業員按計劃提出申請並獲授予對方的專業資格。

截至2020年3月31日，214名曾參與互認計劃的香港地產代理持有由中房學批出的登記證書；而持有由監管局發出的牌照的內地地產代理則有11名。

監管局將繼續就下一期培訓課程及考試的安排與中房學聯繫。

## Scheme on Mutual Recognition of Professional Qualifications of Estate Agents in the Mainland and Hong Kong

With a view to boosting professional exchanges between estate agency practitioners in the Mainland and Hong Kong and the long-term development of the trade of both sides, the EAA and the China Institute of Real Estate Appraisers and Agents ("CIREA") signed a five-year agreement on 3 November 2010 to launch a mutual recognition scheme for estate agents in the Mainland and Hong Kong. The agreement was renewed for another five years in 2017.

Under the provisions of the agreement, both sides will each nominate a certain number of qualified estate agents to participate in a specially-designed training course and examination organised by the other party within the five-year agreement period. Upon completion of the said course and successfully passing the examination, the nominees could apply for the CIREA registration certificate or the EAA licence.

The first and second training courses and examinations of the scheme were held in July 2011 and December 2017 respectively. A total of 363 attendees from Hong Kong and 94 from the Mainland passed the examinations and were eligible to apply for the qualification of the other party. Among these 457 participants, 338 Hong Kong and 65 Mainland attendees applied for and were granted the qualification of the other party under the scheme.

As at 31 March 2020, 214 Hong Kong estate agents held a registration certificate issued by the CIREA and 11 Mainland estate agents held an estate agent's licence issued by the EAA under the scheme.

The EAA will continue to liaise with the CIREA for the arrangement of the next round of nomination.