

# 機構管治

## Corporate Governance





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為加強公眾對監管局的信任及以持份者的最佳利益為依歸，監管局致力提升機構管治，在履行《地產代理條例》下的職責時，維持高度誠信、公正、問責性和透明度。

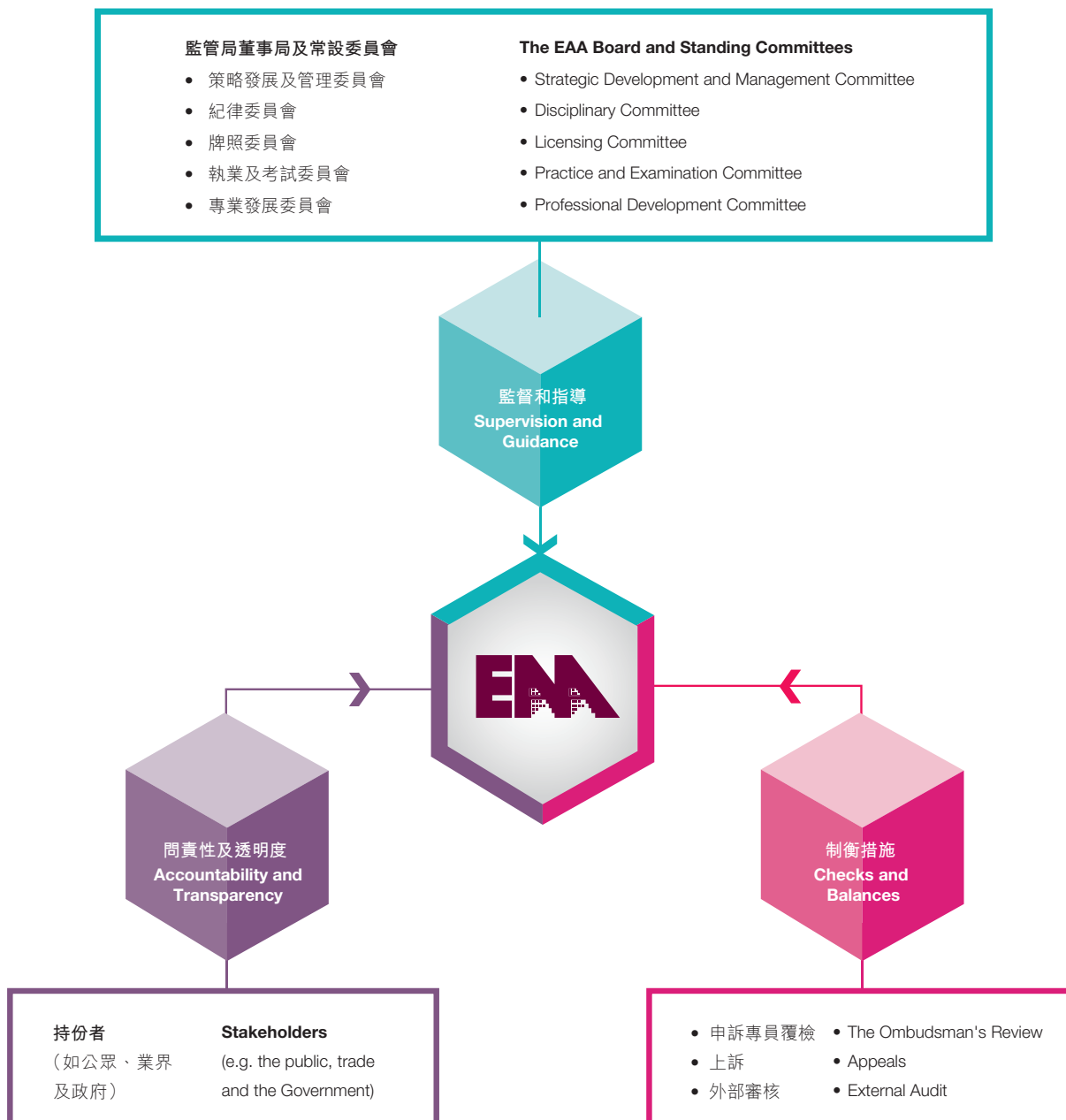
To enhance public trust in the Estate Agents Authority (“EAA”) and for the best interests of its stakeholders, the EAA spares no effort in taking corporate governance to a higher level and reaching a high standard of integrity, impartiality, accountability and transparency when discharging its duties under the Estate Agents Ordinance (“EAO”).

### 機構管治框架

#### 機構管治架構

### Governance Framework

#### Governance structure





## 監管局董事局及其組成

### 董事局

董事局是監管局的最高決策組織，負責制定監管局整體策略方向及政策，例如制定及通過機構發展計劃、年度工作計劃、年度預算案，以及負責管理及監察監管局行政部門的表現。

### 董事局的組成

《地產代理條例》對監管局董事局的組成有所訂明。董事局設有正、副主席各一名及不多於18名普通成員。成員來自社會上不同界別，包括地產代理行業和房屋局。董事局成員的任期固定，由香港特別行政區行政長官決定及委任。行政部門會向新任董事局成員提供簡報及一套資料，以便其熟悉監管局的工作。

董事局成員來自多元化背景，並擁有不同的知識、經驗及專業，包括來自地產代理、物業發展、商業、法律、測量、金融、會計、消費者事務及學術界別等，為董事局帶來專業見解以及獨立觀點。來自地產代理業內及業外的成員組合，亦能為董事局在制定各項政策及措施時，帶來更平衡和全面的觀點。有關現任董事局成員的姓名及詳細資料詳載於本年報的下一個章節。

監管局的主席及行政總裁職位由不同人士出任，各司其職。主席負責領導董事局執行《地產代理條例》，制定監管局策略及政策；而行政總裁則是領導行政部門，負責執行董事局的決定，並負責管理局方各項日常事務。

## The EAA Board and composition

### The Board

The highest decision-making authority of the EAA is the Board. It sets the overall strategic direction and policies of the EAA, such as considering and endorsing its corporate plan, annual work plan and annual budget. It also supervises and monitors the performance of the EAA Administration.

### Board composition

The constitution of the EAA Board is stipulated by the EAO. The EAA Board consists of a Chairman, a Vice-chairman, and not more than 18 ordinary members from different sectors of the community, including the estate agency sector and the Housing Bureau. All Board members are determined and appointed for a fixed term by the Chief Executive of the Hong Kong Special Administrative Region. After appointment, new Board members will be provided with briefings and information packages by the EAA Administration to familiarise themselves with the work of the EAA.

Board members come from varied backgrounds with diverse knowledge, experience and expertise, including the sectors of estate agency, property development, business, legal, surveying, finance, accounting, consumer affairs and academia. They bring to the Board their own wisdom and independent perspectives. The combination of members from within and outside the estate agency trade also provides the Board with a more balanced and holistic view when setting policies and identifying measures. The names and details of all current Board members are listed in the next section of this report.

The positions of Chairman and Chief Executive Officer (“CEO”) of the EAA are held by different persons and their roles are segregated. The Chairman is responsible for leading the Board in enforcing the EAO, setting strategies and policies for the EAA, while the CEO is the head of the EAA Administration responsible for executing the decisions of the Board and administering everyday business and affairs of the EAA.





### 董事局成員 Board membership

#### 主席 CHAIRMAN

##### 蕭澤宇先生，BBS，JP

希仕廷律師行合夥人

- 海洋公園董事局成員
- 香港藝術發展局委員
- 環境影響評估上訴委員會主席 (2016-2022)
- 審核委員會 (電影檢查) 主席 (2016-2022)
- 上訴委員會 (房屋) 主席 (2007-2013)
- 香港特別行政區護照上訴委員會副主席 (2013-2019)

##### Mr Simon SIU Chak-yu, BBS, JP

Partner, Hastings & Co.

- Member, Board of the Ocean Park Corporation
- Member, Hong Kong Arts Development Council
- Chairman, Environmental Impact Assessment Appeal Board Panel (2016-2022)
- Chairman, Board of Review (Film Censorship) (2016-2022)
- Chairman, Appeal Panel (Housing) (2007-2013)
- Deputy Chairman, HKSAR Passports Appeal Board (2013-2019)

#### 副主席 VICE-CHAIRMAN

##### 羅孔君女士，BBS，JP

大律師

- 廢物處置上訴委員會主席
- 海上傾倒物料上訴委員會委員團主席
- 學術及職業資歷評審上訴委員會主席
- 獨立監察警方處理投訴委員會委員
- 酷刑聲請上訴委員會委員

##### Ms Jane Curzon LO, BBS, JP

Barrister-at-Law

- Chairman, Waste Disposal Appeal Board Panel
- Chairman, Dumping at Sea Appeal Board Panel
- Chairman, Accreditation of Academic and Vocational Qualifications Appeal Board
- Member, Independent Police Complaints Council
- Member, Torture Claims Appeal Board



## 成員 MEMBERS

### 張天任資深大律師

資深大律師(天博大律師事務所)

香港訟辯培訓學會主席

- 香港高等法院暫委法官  
(2022年6至9月；2023年2至4月)
- 會計及財務匯報覆核審裁處主席
- 處置可行性覆檢審裁處主席
- 處置補償審裁處主席
- 市政服務上訴委員會副主席

### Mr Jonathan CHANG Tien-yin, SC

Senior Counsel (Temple Chambers)

Chairman (Hong Kong Advocacy Training Council)

- Deputy High Court Judge (Jun-Sep 2022; Feb-Apr 2023)
- Chairman, Accounting and Financial Reporting Review Tribunal
- Chairman, Resolvability Review Tribunal
- Chairman, Resolution Compensation Tribunal
- Vice-chairman, Municipal Services Appeal Board

### 鄭定寧工程師

建造業議會執行總監

- 香港綠色建築議會董事會董事
- 香港珠海學院理工學院土木工程系諮詢委員會主席
- 香港大學工程舊生會顧問
- 香港公路學會前任會長
- 香港機場管理局專業人員聯絡小組成員(三跑道系統項目)

### Ir Albert CHENG Ting-ning

Executive Director, Construction Industry Council

- Director, Hong Kong Green Building Council
- Chairman, Advisory Committee, Faculty of Science and Engineering (Civil Engineering), Hong Kong Chu Hai College
- Advisor, University of Hong Kong Engineering Alumni Association
- Immediate Past President, Hong Kong Institution of Highways and Transportation
- Member, Professional Liaison Group (Three-runway System Project), The Airport Authority

### 趙錦權先生

戴德梁行大中華區首席執行官

- 國際評估標準委員會專業評估組織顧問工作小組組員
- 《城市規劃條例》(第131章)上訴委員會成員
- 北部都會區諮詢委員會轄下規劃、土地及環境保育小組委員會非官方委員
- 土地及建設諮詢委員會委員
- 香港貿易發展局基建發展諮詢委員會委員
- 香港測量師學會前會長

### Mr CHIU Kam-kuen

Chief Executive of Greater China, Cushman & Wakefield

- Member, Working Group of Advisory Forum of International Valuation Standards Council
- Member, Appeal Board Panel (Town Planning), Town Planning Ordinance (Cap131)
- Sub-committee member, Planning, Land and Conservation, Advisory Committee on the Northern Metropolis
- Member, Land and Development Advisory Committee Panel
- Member, The Hong Kong Trade Development Council Infrastructure Development Advisory Committee
- Past President, The Hong Kong Institute of Surveyors



### 成員 MEMBERS

#### 周偉信教授

香港大學法律專業學系副教授

劉漢銓律師行顧問律師

- 律政司法治教育督導委員會委員
- 保險業監管局程序覆檢委員會委員
- 法律教育及培訓常設委員會委員 (2005年8月12日至2011年6月30日；2014年7月1日至2023年6月30日)
- 稅務上訴委員會副主席 (2007-2018)

#### Professor CHOW Wai-shun

Associate Professor, Department of Professional Legal Education, The University of Hong Kong

Consultant, Chu & Lau Solicitors & Notaries

- Member, Steering Committee on Rule of Law Education, Department of Justice
- Member, Process Review Panel for the Insurance Authority
- Member, Standing Committee on Legal Education and Training (12/08/2005-30/06/2011; 01/07/2014-30/06/2023)
- Deputy Chairman, Board of Review (Inland Revenue Ordinance) (2007-2018)

#### 朱雅儀女士

畢馬威中國新經濟市場及生命科學香港區主管合夥人

畢馬威中國環境、社會和治理諮詢合夥人

- 世界自然基金會香港分會財政委員會主席兼董事委員會委員
- 應用研究局董事
- 創新科技署創科創投基金諮詢委員會成員
- 會計及財務匯報局財務匯報檢討委員會成員

#### Ms Irene CHU Ngar-yee

Partner, Head of New Economy and Life Sciences, KPMG China

Partner, Environmental, Social and Governance (ESG) Advisory, KPMG China

- Chair, Finance Committee and Member of Executive Committee, World Wide Fund for Nature Hong Kong
- Director, The Applied Research Council
- Member, Innovation and Technology Venture Fund Advisory Committee, Innovation and Technology Commission
- Member, Financial Reporting Review Panel, Financial Reporting Council

#### 戴敏娜女士

安永會計師事務所前任資深顧問 (亞太區金融服務監管事務)

香港金融管理局前任助理總裁

- 私人財富管理公會認證與豁免委員會成員
- 融幼社董事局成員
- 融幼社管治委員會主席

#### Ms Meena DATWANI

Former Senior Advisor (Financial Services Regulatory Affairs), Ernst & Young

Former Executive Director, Hong Kong Monetary Authority

- Member, Accreditation and Exemption Committee, Private Wealth Management Association
- Board Member, Pathfinders
- Chair of the Governance Committee, Pathfinders



## 成員 MEMBERS

### 何超平先生

羅兵咸永道會計師事務所合夥人

- 香港科技園公司董事
- 強制性公積金計劃諮詢委員會委員
- 公司法改革常務委員會委員
- 紀律人員薪俸及服務條件常務委員會委員

### Mr Dennis HO Chiu-ping

Partner, PricewaterhouseCoopers

- Director, Hong Kong Science and Technology Parks Corporation
- Member, Mandatory Provident Fund Schemes Advisory Committee
- Member, Standing Committee on Company Law Reform
- Member, Standing Committee on Disciplined Services Salaries and Conditions of Service

### 許智文教授，MH，JP

香港城市大學公共及國際事務系系主任及講座教授

- 物業管理業監管局副主席
- 香港房屋協會執行委員會委員
- 香港房屋委員會資助房屋小組委員會委員
- 土地共享先導計劃顧問小組成員

### Professor Eddie HUI Chi-man, MH, JP

Head and Chair Professor, Department of Public and International Affairs, City University of Hong Kong

- Vice-chairperson, The Property Management Services Authority
- Member, Executive Committee, Hong Kong Housing Society
- Member, Subsidised Housing Committee, Hong Kong Housing Authority
- Member, Panel of Advisors, Land Sharing Pilot Scheme

### 黃永光先生，SBS，JP

信和集團副主席

楊協成有限公司主席

- 中國人民政治協商會議北京市第14屆委員會常務委員及第12與13屆委員會委員
- 文化委員會成員
- 碳中和及可持續發展委員會委員
- 香港大學校務委員會委員
- 香港科技大學顧問委員會成員
- 香港地產建設商會會董

### Mr Daryl NG Win-kong, SBS, JP

Deputy Chairman, Sino Group

Chairman, Yeo Hiap Seng Limited

- Member of the Standing Committee, the 14<sup>th</sup> Beijing Municipal Committee of the Chinese People's Political Consultative Conference (CPPCC) and Member of the 12<sup>th</sup> and 13<sup>th</sup> Beijing Municipal Committees of the CPPCC
- Member, the Culture Commission
- Member, the Council for Carbon Neutrality and Sustainable Development
- Member, Council of The University of Hong Kong
- Member, Court of The Hong Kong University of Science and Technology
- Director, Real Estate Developers Association of Hong Kong





### 成員 MEMBERS

#### 潘達恒先生

聯萬地產集團有限公司創辦人及行政總裁

- 職業安全健康局文職及專業服務業安全及健康委員會主席及宣傳委員會委員
- 僱員再培訓局地產代理業技術顧問及行業諮詢網絡委員
- 職業訓練局房地產服務業訓練委員會前委員(2017-2022)
- 粵港澳大灣區投資學會榮譽會長
- 香港地產代理商總會主席
- 融資行業從業員協會首席榮譽顧問

#### Mr Jacob POON Tat-hang

**Founder and Chief Executive Officer, Super Land Property Group Limited**

- Chairman, Sedentary & Professional Services Safety & Health Committee and Member, Publicity Committee, Occupational Safety & Health Council
- Technical Advisor and Member, Real Estate Agency, Industry Consultative Networks, Employees Retraining Board
- Former Member, Real Estate Services Training Board, Vocational Training Council (2017-2022)
- Honorary President, Investment Institute of the Guangdong-Hong Kong-Macau Greater Bay Area
- Chairman, Hong Kong Real Estate Agencies General Association
- Chief Honorary Advisor, The Association of Financing Industry Practitioners

#### 蔡志忠先生

亞洲地產控股(香港)有限公司主席

- 山西省港區政協常委及召集人
- 香港專業地產顧問商會會長
- 香港東區工商業聯會首席會長
- 僱員再培訓局行業諮詢網絡委員
- 香港專業進修學校僱主顧問委員會委員
- 香港東區關愛基金會會長及執行委員會理事長

#### Mr Raymond TSOI Chi-chung

**Director and Chairman, Asia Property Holdings (Hong Kong) Company Limited**

- Member and Convener, Shanxi Municipal Committees of the Chinese People's Political Consultative Conference
- President, Hong Kong Chamber of Professional Property Consultants Limited
- Chief President, Eastern District Industries & Commerce Association
- Member, Real Estate Agency, Industry Consultative Networks, Employees Retraining Board
- Advisory Member, Employer Consultative Committee, Hong Kong College of Technology
- Chairman and Chairman of the Executive Committee, Hong Kong Eastern District Care Foundation

#### 黃鳳嫻女士

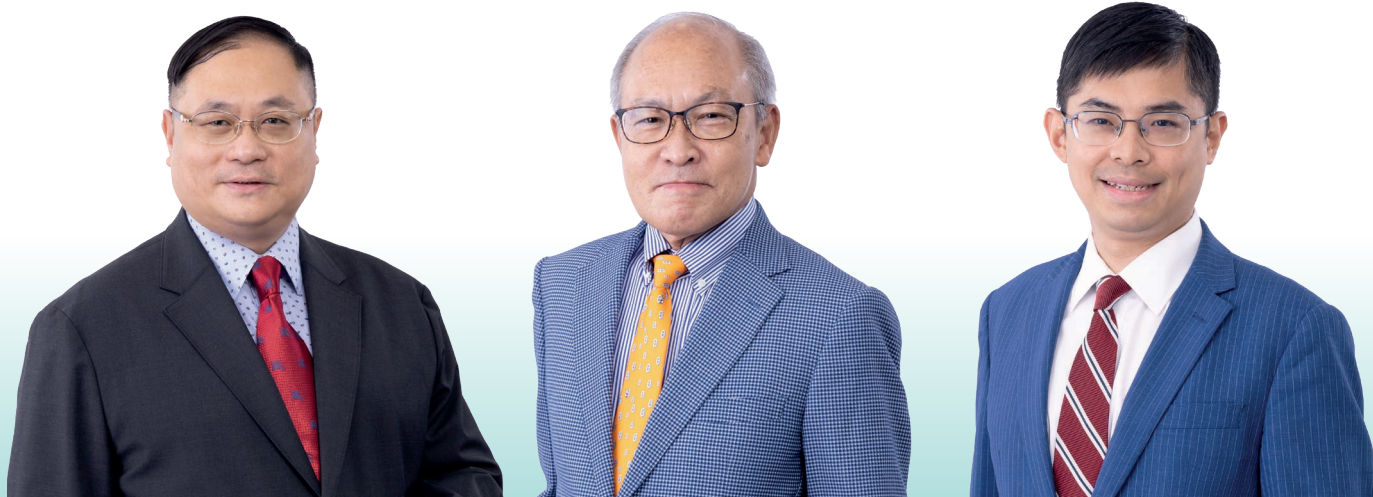
消費者委員會總幹事

- 消費者訴訟基金管理委員會當然成員
- 香港金融管理局接受存款公司諮詢委員會委員
- 香港檢測和認證局委員
- 防控非傳染病督導委員會委員
- 國際消費者聯會副會長

#### Ms Gilly WONG Fung-han

**Chief Executive, Consumer Council**

- Ex-officio Member, Management Committee of the Consumer Legal Action Fund
- Member, Deposit-taking Companies Advisory Committee, Hong Kong Monetary Authority
- Member, Hong Kong Council for Testing and Certification
- Member, Steering Committee on Prevention and Control of Non-communicable Diseases
- Vice President, Consumers International



## 成員 MEMBERS

### 黃河先生

鄭瑞泰律師事務所顧問律師

- 上訴委員會(房屋)成員
- 上訴審裁團(建築物)主席
- 方便營商諮詢委員會委員
- 保險事務上訴審裁處上訴委員團成員

### Mr Kevin WONG Ho

Consultant, S.T. Cheng & Co.,  
Solicitors

- Member, Appeal Panel (Housing)
- Chairman, Appeal Tribunal Panel (Buildings)
- Member, Business Facilitation Advisory Committee
- Member, Insurance Appeals Tribunal

### 黃奕鑑先生, SBS, MH, JP

新鴻基地產集團

- 非執行董事 (2013-2015)
- 非執行董事及集團首席顧問 (2009-2013)
- 執行董事 (1996-2009)

- 外匯基金諮詢委員會委員
- 證券及期貨事務監察委員會非執行董事
- 土地及建設諮詢委員會委員
- 香港中文大學新亞書院校董
- 香港青年旅舍協會行政委員會主席 (2005-2014) 及委員
- 香港都會大學校董會主席 (2016-2022)

### Mr Michael WONG Yick-kam, SBS, MH, JP

- Sun Hung Kai Properties Group**
- Non-Executive Director (2013-2015)
- Non-Executive Director and Group Principal Advisor (2009-2013)
- Executive Director (1996-2009)

- Member, Exchange Fund Advisory Committee
- Non-Executive Director, Securities and Futures Commission
- Member, Land and Development Advisory Committee
- Member, Board of Trustees of New Asia College, The Chinese University of Hong Kong
- Chairman (2005-2014) and Member, Executive Committee, Hong Kong Youth Hostels Association
- Chairman, Council of the Hong Kong Metropolitan University (2016-2022)

### 胡慶業先生

柯伍陳律師事務所合夥人

- 上訴審裁團(建築物)主席
- 稅務上訴委員會成員
- 香港特別行政區護照上訴委員會委員
- 香港律師會仲裁員
- 上海國際經濟貿易仲裁委員會仲裁員
- 深圳國際仲裁院仲裁員

### Mr Eric WOO Hing-yip

Partner, ONC Lawyers

- Chairman, Appeal Tribunal Panel (Buildings)
- Member, Board of Review (Inland Revenue Ordinance)
- Member, HKSAR Passports Appeal Board
- Panel Arbitrator, The Law Society of Hong Kong
- Panel Arbitrator, Shanghai International Economic and Trade Arbitration Commission
- Panel Arbitrator, Shenzhen Court of International Arbitration



### 成員 MEMBERS

#### 余智榮先生，MH

紫荊地產(集團)有限公司董事

- 大埔區居民聯會主席
- 香港地產代理商總會副主席
- 香港特別行政區第六屆選舉委員會委員
- 新界總商會常務董事
- 香港全國人大代表選舉委員會委員
- 大埔區議會議員

#### Mr YU Chi-wing, MH

**Director, Bauhinia Property (CORP) Limited**

- Chairman, Tai Po District Residents Association
- Vice Chairman, Hong Kong Real Estate Agencies General Association
- Member, the Sixth Election Committee of the Hong Kong Special Administrative Region
- Managing Director, New Territories General Chamber of Commerce
- Member, Election Committee of the Hong Kong Deputies to the National People's Congress of the People's Republic of China
- District Councillor, Tai Po District Council

#### 吳文傑先生，JP

房屋局副秘書長

(房屋局常任秘書長代表)

#### Mr Donald NG Man-kit, JP

**Deputy Secretary for Housing**

**(Representative of Permanent Secretary for Housing)**

### 卸任成員 RETIRED MEMBER

#### 黃靜怡女士

#### Ms Angela WONG Ching-yi

(至2023年11月16日)

(up to 16 November 2023)



### 常設委員會

董事局以下設有五個常設委員會，負責處理監管局不同範疇的工作。每個委員會須有最少三名成員，委員會所有成員皆由監管局董事局委任。

董事局亦可不時就處理特別事宜成立專責小組及工作小組，有需要時，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。

2023/24年度監管局常設委員會職權範圍載列於下一個章節。

### 職權範圍及成員名單

#### 策略發展及管理委員會

##### 職權範圍：

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. 協調監管局的各常設委員會和／或工作小組／專責小組的工作和決定，以達至共同目標和解決其各自職能有關的或因履行其各自職能而可能引起的分歧（如有）。
3. 監察業界及公眾人士對監管局的規例、政策及措施的反應，並據此向監管局董事局及／或相關常設委員會建議適當行動。
4. 審核重要的財政議題－特別是賬目報表初稿、委任外部核數師、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。
5. 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。
6. 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。

### Standing committees

There are five standing committees under the EAA Board to oversee the various aspects of the EAA's work. All committees shall consist of at least three members. All committee members are appointed by the EAA Board.

The EAA Board may also set up panels and work groups to deal with particular issues from time to time. When necessary, the EAA may also appoint other persons (i.e. Board-appointed members) who are not members of the EAA Board to the committees, panels or work groups.

Terms of reference of the EAA's standing committees 2023/24 are listed in the following section.

### Terms of reference and membership

#### *Strategic Development and Management Committee*

##### *Terms of reference:*

1. To consider strategic issues of long-term significance, in preparation for consideration by the Board.
2. To align the work and decisions of the various standing committees and/or work groups/panels of the EAA with a view to achieving common goals and resolving divergences (if any) which may arise in connection with or out of the carrying out of their respective functions.
3. To monitor trade and community response to the EAA regulations, policies and measures and, on such basis, recommend appropriate actions to the Board and/or the standing committees for consideration.
4. To examine issues of major financial significance, in particular, draft statements of accounts, appointment of external auditor, staff cost implications, budgetary matters, long-term financial planning and asset management, and to make recommendations to the Board for consideration.
5. To review and endorse the annual work plan and budget prepared by the Administration and to recommend the same to the Board for consideration.
6. To devise guidelines for and make recommendations to the Board on the investment of the EAA monies.



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| <p>7. 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。</p> <p>8. 審視及批核編制架構和重組安排、人力規劃，以及人力資源政策和程序的制訂。</p> <p>9. 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。</p> <p>10. 不時按委員會主席指引成立一個由委員會成員組成的工作小組，以執行委員會主席所委派的工作，審議小組的工作結果，及適時向董事局提交建議。</p> <p>11. 執行由監管局董事局授權處理的工作。</p> <p>12. 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 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 CEO and Directors), and to make recommendations to the Board for consideration.</p> <p>8. To review and approve establishment structure, reorganisation, manpower planning and development of human resources policies and procedures.</p> <p>9. At the direction of the Chairman, to review and evaluate the performance of the CEO 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.</p> <p>10. To set up a task force as may from time to time be directed by the Committee Chairman, comprising any member(s) of the Committee, to carry out such tasks as the Committee Chairman may assign; to deliberate on the findings of the task force; and to make recommendations to the Board for approval as appropriate.</p> <p>11. To perform such other tasks as the Board may from time to time delegate.</p> <p>12. 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> |
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成員： Membership:		
主席 Chairman:	蕭澤宇先生，BBS，JP	Mr Simon SIU Chak-yu, BBS, JP
副主席 Vice-chairman:	羅孔君女士，BBS，JP	Ms Jane Curzon LO, BBS, JP
成員 Members:	周偉信教授	Professor CHOW Wai-shun
	戴敏娜女士	Ms Meena DATWANI
	許智文教授，MH，JP	Professor Eddie HUI Chi-man, MH, JP
	黃鳳嫻女士	Ms Gilly WONG Fung-han
	房屋局常任秘書長或其代表	Permanent Secretary for Housing or her representative



## 紀律委員會

### 職權範圍：

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。
8. 不時按委員會主席指引成立一個由委員會成員組成的工作小組，以執行委員會主席所委派的工作，審議小組的工作結果，及適時向董事局提交建議。
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。

## Disciplinary Committee

### Terms of reference:

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 EAO and submissions by the CEO 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 Committee, 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.
8. To set up a task force as may from time to time be directed by the Committee Chairman, comprising any member(s) of the Committee, to carry out such tasks as the Committee Chairman may assign; to deliberate on the findings of the task force; and to make recommendations to the Board for approval as appropriate.
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.

成員： Membership:		
主席 Chairman:	周偉信教授	Professor CHOW Wai-shun
成員 Members:	張天任資深大律師	Mr Jonathan CHANG Tien-yin, SC
	鄭定寧工程師	Ir Albert CHENG Ting-ning
	趙錦權先生	Mr CHIU Kam-kuen
	朱雅儀女士	Ms Irene CHU Ngar-yee
	何超平先生	Mr Dennis HO Chiu-ping
	黃永光先生，SBS，JP	Mr Daryl NG Win-kong, SBS, JP
	潘達恒先生	Mr Jacob POON Tat-hang
	蔡志忠先生	Mr Raymond TSOI Chi-chung
	黃河先生	Mr Kevin WONG Ho
	黃奕鑑先生，SBS，MH，JP	Mr Michael WONG Yick-kam, SBS, MH, JP
委任成員 Board-appointed Members:	胡慶業先生	Mr Eric WOO Hing-yip
	畢新威先生	Mr BUT Sun-wai
	何淑瑛女士	Ms Sabrina HO Shuk-ying
	劉瑛琳女士	Ms Sandia LAU Ying-lam
	李峻銘先生	Mr Eric LEE Chun-ming
	李俊瑜先生	Mr Ryan LEE Chun-yu
	李綺華女士	Ms Eva LEE
	吳啟民先生	Mr Luke NG Kai-man
	潘志豪先生	Mr Philip POON Chi-ho
	曾浩恩先生	Mr Johnathan TSANG H Y
	謝凱琳女士	Ms Joanna TSE Hoi-lam
	余雅芳女士	Ms Avon YUE Nga-fong



## 牌照委員會

### 職權範圍：

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。
7. 檢討及建議牌照費用及監管局各類服務之收費幅度。
8. 研究及設計與發牌事項有關的表格及文件。
9. 不時按委員會主席指引成立一個由委員會成員組成的工作小組，以執行委員會主席所委派的工作，審議小組的工作結果，及適時向董事局提交建議。
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。

## Licensing Committee

### Terms of reference:

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 EAO and section 9 of the Estate Agents (Licensing) Regulation.
6. To set policies relating to licensing matters.
7. To review and make recommendations on the scale of licence fees and charges for services provided by the EAA.
8. To consider and design the relevant forms and related documents pertaining to licensing matters.
9. To set up a task force as may from time to time be directed by the Committee Chairman, comprising any member(s) of the Committee, to carry out such tasks as the Committee Chairman may assign; to deliberate on the findings of the task force; and to make recommendations to the Board for approval as appropriate.
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.



成員： Membership:		
主席 Chairman:	許智文教授，MH，JP	Professor Eddie HUI Chi-man, MH, JP
成員 Members:	張天任資深大律師	Mr Jonathan CHANG Tien-yin, SC
	鄭定寧工程師	Ir Albert CHENG Ting-ning
	趙錦權先生	Mr CHIU Kam-kuen
	何超平先生	Mr Dennis HO Chiu-ping
	潘達恒先生	Mr Jacob POON Tat-hang
	蔡志忠先生	Mr Raymond TSOI Chi-chung
	胡慶業先生	Mr Eric WOO Hing-yip
	余智榮先生，MH	Mr YU Chi-wing, MH
委任成員 Board-appointed Members:	盧光輝先生 譚秀娥女士 (消費者委員會代表) 余雅芳女士	Mr Eddie LOU Kuong-fai Ms Vera TAM Sau-ngor (representative of Consumer Council) Ms Avon YUE Nga-fong

### 執業及考試委員會

#### 職權範圍：

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。

### Practice and Examination Committee

#### Terms of reference:

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 recommendations on the regulations under the 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.



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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. 不時按委員會主席指引成立一個由委員會成員組成的工作小組，以執行委員會主席所委派的工作，審議小組的工作結果，及適時向董事局提交建議。</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>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 set up a task force as may from time to time be directed by the Committee Chairman, comprising any member(s) of the Committee, to carry out such tasks as the Committee Chairman may assign; to deliberate on the findings of the task force; and to make recommendations to the Board for approval as appropriate.</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> |
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成員： Membership:		
主席 Chairman:	羅孔君女士，BBS，JP	Ms Jane Curzon LO, BBS, JP
副主席 Vice-chairman:	黃鳳嫻女士	Ms Gilly WONG Fung-han
成員 Members:	趙錦權先生	Mr CHIU Kam-kuen
	朱雅儀女士	Ms Irene CHU Ngar-yee
	黃永光先生，SBS，JP	Mr Daryl NG Win-kong, SBS, JP
	潘達恒先生	Mr Jacob POON Tat-hang
	蔡志忠先生	Mr Raymond TSOI Chi-chung
	黃河先生	Mr Kevin WONG Ho
	黃奕鑑先生，SBS，MH，JP	Mr Michael WONG Yick-kam, SBS, MH, JP
	胡慶業先生	Mr Eric WOO Hing-yip
	余智榮先生，MH	Mr YU Chi-wing, MH
委任成員 Board-appointed Members:	房屋局常任秘書長或其代表	Permanent Secretary for Housing or her representative
	何鉅業測量師，MH，JP	Sr Vincent HO Kui-yip, MH, JP
	黎堅輝先生	Mr Victor LAI Kin-fai
	李峻銘先生	Mr Eric LEE Chun-ming

### 專業發展委員會

#### 職權範圍：

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. 訂立分配合規及有效管理及全面提升發展科目活動的指引；
  - 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의 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。
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。
4. 不時按委員會主席指引成立一個由委員會成員組成的工作小組，以執行委員會主席所委派的工作，審議小組的工作結果，及適時向董事局提交建議。
5. 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。

### Professional Development Committee

#### Terms of reference:

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 Compliance and Effective Management and All-round Advancement 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.
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.
4. To set up a task force as may from time to time be directed by the Committee Chairman, comprising any member(s) of the Committee, to carry out such tasks as the Committee Chairman may assign; to deliberate on the findings of the task force; and to make recommendations to the Board for approval as appropriate.
5. 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.



成員： Membership:		
主席 Chairman:	戴敏娜女士	Ms Meena DATWANI
成員 Members:	張天任資深大律師	Mr Jonathan CHANG Tien-yin, SC
	鄭定寧工程師	Ir Albert CHEUNG Ting-ning
	朱雅儀女士	Ms Irene CHU Ngar-yee
	何超平先生	Mr Dennis HO Chiu-ping
	黃永光先生，SBS，JP	Mr Daryl NG Win-kong, SBS, JP
	潘達恒先生	Mr Jacob POON Tat-hang
	蔡志忠先生	Mr Raymond TSOI Chi-chung
	黃河先生	Mr Kevin WONG Ho
	黃奕鑑先生，SBS，MH，JP	Mr Michael WONG Yick-kam, SBS, MH, JP
	余智榮先生，MH	Mr YU Chi-wing, MH
	房屋局常任秘書長或其代表	Permanent Secretary for Housing or her representative
委任成員 Board-appointed Members:	蔡鴻達博士	Dr Lennon H.T. CHOY
	郭昶先生	Mr Anthony KWOK Chong
	汪敦敬博士，MH	Dr Lawrance WONG Dun-king, MH
	黃思穎女士 (職業訓練局代表)	Ms Venus WONG Szee-ving (representative of Vocational Training Council)
	葉潔雲女士 (僱員再培訓局代表)	Ms YIP Kit-wan (representative of Employees Retraining Board)

#### 第28條調查小組<sup>1</sup>

##### 職權範圍：

- 就如何選取需要根據《地產代理條例》第28條展開調查的個案制定指引和程序。
- 監督根據《地產代理條例》第28條進行的調查，確保調查工作符合法例規定。
- 接受和考慮監管局行政部門就其認為有需要根據《地產代理條例》第28條進行調查的懷疑或涉嫌違反或沒有遵守《地產代理條例》的規定或其他條文的個案所呈交的報告和建議。

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

##### Terms of reference:

- To formulate guidelines for and procedures on the selection of cases for investigation under section 28 of the EAO.
- To oversee the conduct of investigation under section 28 of the EAO to ensure its full compliance.
- 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.

<sup>1</sup> 不屬常設委員會，僅在需要時召開會議。  
2023/24年度沒有召開會議。

<sup>1</sup> Not a standing committee, meet as and when needed. In 2023/24, there was no meeting held.



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| <p>4. 根據《地產代理條例》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。</p> <p>5. 接受和考慮根據《地產代理條例》第28條小組委任的調查員所提交的報告和建議。</p> <p>6. 如調查員建議小組該考慮行使《地產代理條例》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. 不時按小組主席指引成立一個由小組成員組成的工作小組，以執行小組主席所委派的工作，審議小組的工作結果，及適時向董事局提交建議。</p> <p>8. 如認為需要，就行使《地產代理條例》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>9. 行使及執行《地產代理條例》第28條所訂明的監管局職能和權力。</p> | <p>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.</p> <p>5. To receive and consider the reports and recommendations from the investigator appointed by the Panel under section 28 of the EAO.</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 set up a task force as may from time to time be directed by the Panel Chairman, comprising any member(s) of the Panel, to carry out such tasks as the Panel Chairman may assign; to deliberate on the findings of the task force; and to make recommendations to the Board for approval as appropriate.</p> <p>8. 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>9. 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 Chairman:	羅孔君女士，BBS，JP	Ms Jane Curzon LO, BBS, JP
成員 Members:	戴敏娜女士	Ms Meena DATWANI
	許智文教授，MH，JP	Professor Eddie HUI Chi-man, MH, JP



### 會議出席記錄

根據《地產代理條例》，監管局會議的法定人數至少為監管局當時成員人數的一半（包括主席及副主席（不論在場與否））。出席會議的監管局成員各有一票投票權。

2023/24年度，董事局及常設委員會的會議次數、平均出席率和審議文件數目如下：

### Meetings attendance

According to the EAO, the quorum for a meeting of the EAA shall be at least half of the members of the EAA for the time being (including the Chairman and the Vice-chairman whether present or not). Each member of the EAA present at a meeting thereof shall have a vote.

The number of meetings, average attendance rates and number of papers considered by the EAA Board and standing committees in 2023/24 were as follows:

	會議數目 Number of Meetings Held	平均出席率* Average Attendance Rate*	經審議的文件數目** Number of Papers Considered**
董事局 The EAA Board	4	76.92%	47
策略發展及管理委員會 Strategic Development and Management Committee	1	100%	6
紀律委員會*** Disciplinary Committee***	0	—	0
牌照委員會 Licensing Committee	5	69.7%	11
執業及考試委員會 Practice and Examination Committee	1	56.25%	2
專業發展委員會**** Professional Development Committee****	2	70.6%	19

\* 委員會出席率包括董事局成員及董事局委任成員。

\*\* 包括於會議上審議及傳閱的文件。

\*\*\* 除出席會議，紀律委員會的董事局成員及董事局委任成員對323宗個案舉行了70場紀律研訊，對涉嫌違規的持牌人作出判決，而該委員會的初步研訊小組審議及通過了由行政總裁就紀律研訊遞交的264份文件。

\*\*\*\* 委員會轄下的持續專業進修評審小組通過了合共161項納入監管局的持續專業進修計劃的培訓活動。

\* The attendance of committees includes Board members and Board-appointed members.

\*\* Including papers considered at the meetings and through circulation.

\*\*\* In addition to attendance at meetings, Board members and Board-appointed members of the Disciplinary Committee held inquiry hearings on 323 cases in 70 sessions to adjudicate the suspected non-compliances of licensees; while the Preliminary Scrutiny Panel of the Committee considered and approved 264 papers submitted by the CEO with respect to inquiry hearings.

\*\*\*\* The CPD endorsement panel of the Committee endorsed a total of 161 training activities meriting adoption into the EAA's CPD Scheme.

### 誠信與公正

#### 操守標準

監管局堅守以誠信、嚴正態度及公平為原則，為公眾服務。

監管局是《防止賄賂條例》下的公共機構。在該條例下，所有監管局董事局成員及員工均被視為「公職人員」。

作為規管香港地產代理行業的法定機構，監管局致力維持最高質素的服務水平及道德標準。監管局要求全體員工秉持高水平的服務質素及道德標準，以促進並維持公眾的信心。本局員工必須遵守本局的行為守則，當中詳列了基本行為標準，涵蓋保密、利益衝突及利益收受等方面。監管局會向每位入職員工講解有關守則，並將相關文件上載至監管局內聯網供員工隨時參閱。

行政總裁、總監、高級經理和經理的離職後就業限制期分別為一年、六個月、兩個月及兩個月。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。

### Integrity and Impartiality

#### Standard of conduct

The EAA is fully committed to the principles of honesty, integrity and fair play in the delivery of its services to the public.

The EAA is a public body under the Prevention of Bribery Ordinance. All Board members and employees of the EAA are regarded as “public servants” for the purpose of that ordinance.

As a statutory body tasked with regulating the practice of the estate agency trade in Hong Kong, the EAA strives to maintain the highest possible level of quality service and ethical standards. To promote and maintain public confidence, all EAA staff are required to have a high standard of integrity and conduct. They are required to comply with the EAA’s *Code of Conduct* which sets out in detail the basic standards of conduct in different aspects, including confidentiality, conflicts of interest and acceptance of advantages. All EAA staff are briefed on the *Code of Conduct* upon their commencement of duty at the EAA, and may access the document easily at any time through the EAA’s intranet.

The post-employment sanitisation period for the CEO, Directors, Senior Managers and Managers are respectively one year, six months, two months and two months. There is also a prohibition on all staff, including the CEO and Directors, to take the estate agents or salespersons qualifying examinations during service and within two months after service.



### 利益披露

為維持公眾對監管局的誠信與公正性的信心，以及避免潛在利益衝突，監管局實施兩層的申報利益制度。所有董事局成員及董事局委任成員獲委任後，必須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的任何議題或事宜的利益，以及任何與監管局事務有利益衝突或潛在利益衝突的事情。公眾可要求查閱記錄有關利益申報詳情的登記冊。

此外，監管局所有員工亦須每年申報，有否與一些和監管局有競爭的、或與監管局有業務往來的，或受監管局所監管的業務或機構有任何直接或間接的財務利益關係。

在有關土地和物業的利益方面，所有監管局董事局成員及董事局委任成員均須申報其在香港或境外的任何實益權益，但不包括有關土地或物業的地址詳情。須登記的利益包括：成員名下所持有、或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，申報他們的土地及物業利益。

### Disclosure of interest

To foster public confidence in the integrity and impartiality of the EAA, the EAA adopts a two-tier reporting system on declaration of interest as a safeguard against potential conflict of interest. All Board members and Board-appointed members are required to register their interests with the EAA 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 potential conflict of interest which they may have with the affairs of the EAA. The register of interests is available for public inspection.

In addition, all EAA staff also have to declare annually if they have any direct or indirect financial interest in any company or organisation which competes with the EAA, which the EAA has business dealings with, or which is being regulated by the EAA.

Regarding interests in land and property, all EAA Board members and Board-appointed members are required to declare any such beneficial interests they have in or outside Hong Kong, without disclosing details of the addresses of such land or property. 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. The managerial staff of the EAA Administration are also required to follow a similar requirement in declaring their interests in land and property.



# 機構管治

## Corporate Governance

### 問責性及透明度

監管局視問責性為機構管治的基本支柱之一，並基於此理念建立本局的架構及管理文化。在現行架構下，董事局須就監管局的整體表現問責。行政部門負責管理監管局的日常業務，並須就其表現向董事局問責。

#### 《機構授權指引》

監管局制定了一套《機構授權指引》來維持高水平的問責性。所有監管局成員、常設委員會、工作／專責小組及全體員工的行為，均必須符合《機構授權指引》的精神及目的，以及獲授權的職權範圍。

#### 查閱資料

為方便公眾取得有關監管局的資料，監管局已任命服務及專業發展總監為公開資料主任，負責確保本局按照特定程序，妥善處理公眾根據監管局的《公開資料守則》而提出的資料查閱要求。

### Accountability and Transparency

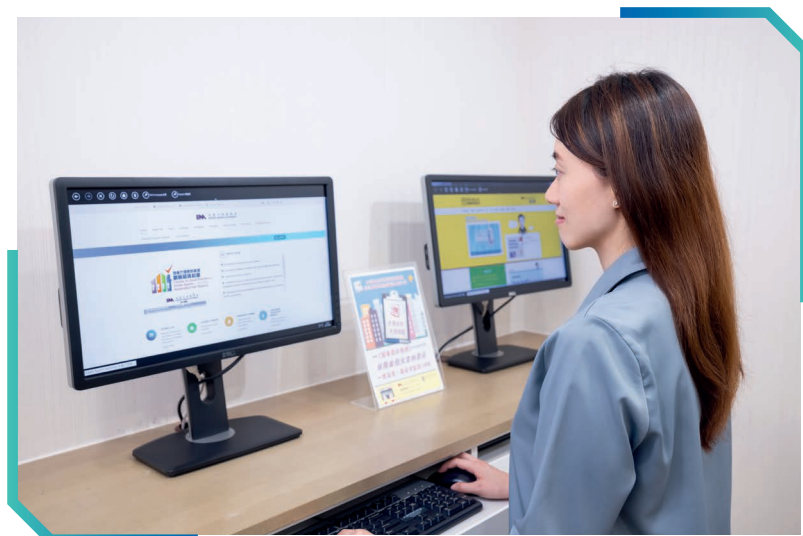
The EAA considers accountability one of the fundamental pillars of corporate governance and has built its corporate structure and management culture based on this concept. Under the current structure, the Board is accountable for the overall performance of the EAA. The EAA Administration is responsible for managing the EAA's everyday business and is accountable to the Board for its performance.

#### Corporate Authorisation Manual

To maintain a high standard of accountability, a *Corporate Authorisation Manual* was formulated for the EAA to provide corporate management authority guidelines. All members of the EAA, standing committees, work groups/panels and all staff must act in compliance with the spirit and intent of the *Corporate Authorisation Manual* and within the scope of authorities therein conferred.

#### Access to information

To facilitate the public to access information about the EAA, the EAA has designated the Director of Services and Professional Development as the Access to Information Officer who is responsible for ensuring that requests for access to information under the EAA's *Code on Access to Information* are properly dealt with in accordance with specific procedures.



監管局透過媒體活動、公眾教育活動、監管局刊物及網站等不同渠道發布資訊，以提高局方透明度。

The EAA enhanced its transparency by publishing information through various channels, such as media events, public education activities, EAA publications and its website etc.



## 查閱資料申請摘要

## Summary of Applications for Access to Information

年度 Year	申請數目 Number of Applications	申請結果 Application Outcome	要求資料 Information Requested
2023/24	11	10個接受 10 accepted	牌照副本 Copies of licences
			申請牌照時遞交的表格 Forms submitted for licence applications
			申請牌照時遞交的學歷證明文件 Documentary proofs of academic qualifications submitted for licence applications
			申請牌照時遞交的個人資料 Personal data submitted for licence applications
		1個拒絕 1 rejected	所要求的資料已不再保留 Information requested no longer retained
2022/23	11	全部接受 All accepted	牌照副本 Copies of licences
			申請牌照時遞交的表格 Forms submitted for licence applications
			申請牌照時遞交的學歷證明文件 Documentary proofs of academic qualifications submitted for licence applications
			申請牌照時遞交的個人資料 Personal data submitted for licence applications
2021/22	20	全部接受 All accepted	牌照副本 Copies of licences
			申請牌照時遞交的表格 Forms submitted for licence applications
			申請牌照時遞交的學歷證明文件 Documentary proofs of academic qualifications submitted for licence applications
			申請牌照時遞交的個人資料 Personal data submitted for licence applications
			向持牌人發出的信函 Letter to a licensee

監管局透過其網站發布資訊以提高局方工作的透明度，而每年向房屋局局長提交《年報》，並提呈立法會省覽，以進一步提高本局透明度。公眾可於監管局網站閱覽有關年報。

監管局透過媒體活動、新聞稿、宣傳和公眾教育活動、監管局刊物及網站等不同溝通渠道，向公眾發放有關監管局的工作及措施的資訊。

### 公布紀律研訊結果

為方便公眾人士查悉紀律委員會根據《地產代理條例》賦予的權力向有關持牌人或前持牌人涉及的紀律事宜進行紀律研訊的結果，以及為教育地產代理業界及公眾，監管局於其網站內公布紀律研訊結果。

紀律委員會於2023/24共裁決了319個紀律研訊個案。監管局將這些個案的結果於其標題為「近期的紀律研訊結果」的網頁內公布。

同時，監管局亦在其網站內公布紀律研訊的裁決理由。詳情請參閱「積極執法」章節內的「公布研訊的裁決理由」。

## 獨立制衡措施

### 外部審核

監管局的財務報表須經由外部核數師審核。2023/24財政年度，德勤•關黃陳方會計師行繼續獲委聘為監管局的核數師。

外部審核的主要目的是向董事局提交監管局年度財務報表，呈示公允的獨立保證。監管局委任的外部核數師須由房屋局局長批准。有關由德勤•關黃陳方會計師行審核的2023/24年度獨立核數師報告及財務報表詳載於第108至142頁。

The transparency of the EAA's work is attained through the information published at its website and is further enhanced by furnishing an *Annual Report* to the Secretary for Housing, copies of which have to be laid before the Legislative Council and are made available to the public at the EAA's website.

Members of the public are also kept abreast of the EAA's work and initiatives through various communication channels, such as media events, press releases, publicity and public education activities, EAA publications and its website.

### Publication of inquiry hearing results

The EAA publishes inquiry hearing results on its website to facilitate members of the public to ascertain the results of the inquiry hearings conducted by the Disciplinary Committee pursuant to powers under the EAO on disciplinary matters concerning licensees or ex-licensees, and to educate both the estate agency trade and the public.

The Disciplinary Committee adjudicated 319 inquiry hearing cases in 2023/24 and the EAA has published the inquiry hearing results of these cases on its webpage titled "Recent Inquiry Hearing Results".

The EAA also publishes the reasons for disciplinary decisions on its website. For details, please refer to the sub-section headed "Publication of reasons for the decisions of inquiry hearings" under the section headed "Proactive in Law Enforcement".

## Independent Checks and Balances

### External audit

The EAA's financial statements are subject to audit by an external auditor. Deloitte Touche Tohmatsu continued to be the EAA's external auditor in the financial year of 2023/24.

The main purpose of the external audit is to provide independent assurance to the Board that the annual financial statements of the EAA are fairly stated. The appointment of the EAA's external auditor is subject to the approval of the Secretary for Housing. The Independent Auditor's Report and Financial Statements of 2023/24 audited by Deloitte Touche Tohmatsu are included in pages 108 to 142.



## 上訴

根據《地產代理條例》，持牌人或牌照申請人可就監管局有關拒絕批予牌照或續期牌照，或監管局施行的紀律處分的決定提出上訴。上訴須透過書面方式向房屋局局長提出。

房屋局局長須委任人士組成委員會，專責聆訊上訴。委員會的主席須從委員會成員中委任成員組成審裁小組就上訴作出裁決。

## 申訴專員覆檢

監管局自2010年7月2日起被納入申訴專員的監管範圍。2023/24年度內，本局共接獲一宗申訴專員轉介的個案，該個案已於2023年11月結束及裁定監管局並無行政失當。然而，投訴人對申訴專員的裁定表達意見後，申訴專員決定對此個案進行全面調查，此乃2023/24年度唯一仍在處理的個案。

## 服務承諾

作為一個負責任的公營機構，監管局對公眾的服務設有一套服務承諾，且定期檢討承諾的達標率。監管局行政部各個部門負責維持有效的內部監控，以監測服務承諾的達標情況。

## 2023/24年度行政部門服務達標率

### Achievement of the Performance Pledges in 2023/24

#### 查詢

#### Enquiries

服務類別 Service Type	指標 Standard	達標率 Results
回覆查詢 Response to enquiries		
電話查詢(留言訊息) Telephone enquiries (voice mail messages)	1個工作天內 <sup>1</sup> Within 1 working day <sup>1</sup>	100%
書面查詢 Written enquiries	7個工作天內 <sup>2</sup> Within 7 working days <sup>2</sup>	99.86%

<sup>1</sup> 監管局的工作天為星期一至星期五。

<sup>2</sup> 收到查詢後下一個工作天開始計算。

## Appeals

Under the EAO, 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 Housing.

The Secretary for 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.

## The Ombudsman's review

The EAA came under the jurisdiction of the Ombudsman on 2 July 2010. In the year of 2023/24, one inquiry was received from the Ombudsman and the case was closed in November 2023 with the conclusion that there was no maladministration on the part of the EAA. However, after the complainant expressed his views on the Ombudsman's decision, the latter decided to conduct a full investigation into the case. It was the only outstanding case in 2023/24.

## Performance Pledges

As a responsible public body, the EAA has a set of performance pledges for its services to the public and the attainment level of the pledges is reviewed regularly. All sections of the EAA Administration are responsible for maintaining effective internal controls to monitor the achievement of their pledges to the public.

### 資格考試

### Qualifying Examinations

服務類別 Service Type	指標 Standard	達標率 Results
發出成績通知單 <sup>1</sup> Issue result slips <sup>1</sup>	考試後的14個工作天內 Within 14 working days after the examination	100%

### 牌照

### Licensing

服務類別 Service Type	指標 Standard	達標率 Results
處理新牌照申請 Process new licence applications	收到新申請後的10個工作天內 <sup>2</sup> Within 10 working days for new applications <sup>2</sup>	99.99%
處理續牌申請 Process renewal licence applications	收到續牌申請後的20個工作天內 <sup>2</sup> Within 20 working days for renewal applications <sup>2</sup>	100%
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>	99.78%

<sup>1</sup> 由監管局委託舉辦資格考試的職業訓練局高峰進修學院發出。

<sup>2</sup> 由監管局收妥牌照申請、所需費用及文件之下一個工作天起計，至發出牌照/營業詳情說明書(即牌照可供領取之日)為止。如牌照申請須交由監管局牌照委員會考慮申請人是否符合法定的「適當人選」標準及其他發牌要求，此服務指標則不適用。監管局處理此類牌照申請時，須向申請人或第三者(例如破產管理署、信託人或警務處)查詢有關詳情，待得到回覆後，才可以決定批准或拒絕申請，故此在這種情況下，需要更長的時間。

<sup>3</sup> 由取消或拒絕申請之下一個工作天起計；如屬破產個案，則由收到破產管理署或信託人指示之下一個工作天起計。

<sup>1</sup> Issued by the Institute of Professional Education And Knowledge of the Vocational Training Council, authorised by the EAA to administer the examinations.

<sup>2</sup> From the next working day following the receipt of an application, the required fee and documents to the day the licence/statement of particulars of business is issued (i.e. the day the licence is available for collection). This service target does not apply to applications which require the EAA's Licensing Committee to determine whether the applicant fulfills the "fit and proper" requirement and other licensing requirements as prescribed under the EAO. A longer duration is needed for such cases for the EAA to make enquiries and 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 next day after an application is cancelled or rejected; for bankruptcy cases, from the next day following the receipt of instructions from the Official Receiver's Office or the trustee-in-bankruptcy.





## 投訴、行動及紀律研訊

## Complaints, Enforcement and Disciplinary Proceedings

服務類別 Service Type	指標 Standard	達標率 Results
確認收到投訴人的書面投訴 Acknowledge receipt of written complaints	5個工作天內 Within 5 working days	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 Within 15 working days	100%

進行首次紀律研訊(適用於普通個案和複雜個案)／於監管局網頁公布已承認的違規事項(適用於快速個案)<sup>1</sup>

Conduct the first disciplinary inquiry hearing for Normal Cases and Complex Cases / Publish admitted breach(es) on EAA website for Fast Track Cases<sup>1</sup>

[注意：並非所有個案會進行紀律處分。]

[Note: Not all cases will proceed to disciplinary actions.]

快速個案 (紀律處分新計劃下而又不牽涉有證人的個案) Fast Track Cases (Cases dealt with under the New Scheme for Disciplinary Cases and involving no witnesses)	6個月內 <sup>2</sup> Within 6 calendar months <sup>2</sup>	100%
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<sup>1</sup> 監管局之調查一般着眼於《地產代理條例》及其附屬法例之規定是否獲得遵從，以及地產代理及營業員之執業操守。倘若個案涉及任何同期進行的刑事調查、由其他監管機構就不遵從其法規進行的調查或民事訴訟，則本服務承諾並不適用。

<sup>2</sup> 由監管局接獲足夠證明文件後向投訴人作出書面回覆的日期，或(如個案沒有投訴人)由監管局向涉案持牌人發出首封闡明指稱的信件日期，直至首次紀律研訊的研訊日期(適用於普通個案和複雜個案)，或已承認的違規事項於監管局網頁公布的日期(適用於快速個案)。

<sup>1</sup> The EAA's investigation generally focuses on the compliance of the EAO and its subsidiary legislation and the conduct of estate agents and salespersons in their estate agency practice. If a case is related to any parallel investigation of criminal offence or non-compliance with any law or regulation by other regulatory bodies, or if the case is related to any parallel civil court action, this performance pledge is inapplicable.

<sup>2</sup> Commences from the date of the EAA's written response to complainant(s) upon the receipt of sufficient supporting documents from them or (if there is no complainant) from the date of the EAA's first allegation letter to licensee(s) concerned to the date of the first disciplinary inquiry hearing for cases proceeding to an inquiry hearing for Normal Cases and Complex Cases or to the publication date of admitted breach(es) on EAA's website for Fast Track Cases.

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(continued)

服務類別 Service Type	指標 Standard	達標率 Results
普通個案(非快速個案並只涉及不多於兩項受監管局調查的指稱的個案) Normal Cases (Cases other than Fast Track Cases concerning not more than two allegations investigated by the EAA)	10個月內 <sup>2,3</sup> Within 10 calendar months <sup>2,3</sup>	66.06% <sup>1</sup>
複雜個案(除快速個案及普通個案以外的個案) Complex Cases (Cases other than Fast Track Cases and Normal Cases)	13個月內 <sup>2,3</sup> Within 13 calendar months <sup>2,3</sup>	47.47% <sup>1</sup>
通知投訴人案件結果 Notify complainants of the outcome of the case	10個工作天內 <sup>4</sup> Within 10 working days <sup>4</sup>	100%
通知被投訴人(持牌人)個案結果 Notify complainees (licensees) of the outcome of the case	10個工作天內 <sup>5</sup> Within 10 working days <sup>5</sup>	100%

<sup>1</sup> 七宗普通個案及83宗複雜個案因種種因素而未能達到服務承諾，包括(i)部分研訊因證人及／或答辯人身處外地而未能聯絡，及／或未能返回香港而需延期及／或未能排期舉行；(ii)答辯人的法律代表基於需要更多時間準備案件而要求延期；(iii)大量案件涉及不同類型的多媒體證據，需要較長時間核實和分析；及(iv)在該83宗複雜個案中，32宗個案(38.6%)涉及四項或以上的指控而需更長的時間調查及證據評估。

<sup>2</sup> 由監管局接獲足夠證明文件後向投訴人作出書面回覆的日期，或(如個案沒有投訴人)由監管局向涉案持牌人發出首封闡明指稱的信件日期，直至首次紀律研訊的研訊日期(適用於普通個案和複雜個案)，或已承認的違規事項於監管局網頁公布的日期(適用於快速個案)。

<sup>3</sup> 就本服務承諾而言，就有關個案於準備就緒進行紀律研訊後出現一切非監管局所能控制的情況，如：紀律研訊已經準備就緒但研訊日期尚未確定、出席有關紀律研訊的投訴人、證人及／或被投訴人未能出席有關紀律研訊等，所產生的額外時間將不會納入本服務承諾中。

<sup>4</sup> 由完成調查之日起計；假如監管局須要為有關個案舉行紀律研訊或根據紀律處分新計劃下處理有關個案，則以向被投訴人發出研訊結果通知書之日起計。

<sup>5</sup> 不包括須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計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>1</sup> Seven normal cases and 83 complex cases did not meet the pledge due to a number of reasons, including (i) some inquiry hearings were adjourned/could not be scheduled due to witnesses and/or respondents staying abroad and unable to be contacted and/or come back to Hong Kong; (ii) the respondents' legal representatives requested to adjourn the inquiry hearings for preparation of their clients' cases; (iii) a substantial number of cases involved multimedia evidence which required longer time to verify and analyse; and (iv) among those 83 complex cases, 32 (38.6%) of them had four allegations or more, and extra processing time, both in terms of investigation and evaluation of evidence, was necessary.

<sup>2</sup> Commences from the date of the EAA's written response to complainant(s) upon receipt of sufficient supporting documents from them or (if there is no complainant) from the date of the EAA's first allegation letter to licensee(s) concerned to the date of the first disciplinary inquiry hearing for cases proceeding to an inquiry hearing for Normal Cases and Complex Cases or to the publication date of admitted breach(es) on EAA's website for Fast Track Cases.

<sup>3</sup> Situations out of the EAA's control, such as no inquiry hearing date is available after the case is ready for inquiry hearing or the unavailability of complainant(s), witness(es) and/or the licensee(s) concerned on the purported inquiry hearing date after the case is ready for inquiry hearing etc., are disregarded for the purpose of this performance pledge.

<sup>4</sup> From completion of investigation or, in the event the case is submitted for an inquiry hearing or dealt with under the New Scheme for Disciplinary Cases, the date of the letter notifying the complainees of the result of the hearing.

<sup>5</sup> Excludes cases that have to be submitted for inquiry hearings. For the latter, the statutory requirement is for the EAA to "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".



## 持續專業進修計劃

### Continuing Professional Development (“CPD”) Scheme

服務類別 Service Type	指標 Standard	達標率 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 Within 20 working days	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 Within 30 working days	100%