

## 主席報告 Chairman's message



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“面對無常變幻  
我們沉著應對”

### 面對無常變幻 我們沉著應對

2009年至2010年上半年間，香港地產市場經歷了巨大的波動。地產代理監管局（監管局）相應發揮了積極的監管角色，適時地處理多個複雜而富戲劇性的新現象，而這些現象全都是我們未曾經歷或預見過的：

#### 金融海嘯及經濟迅速復甦

消費者再一次受到「磨練」，他們因而醒覺並期望監管機構必須有力而穩定，並能夠持續不懈地為公眾服務。

#### 內地買家湧現

由於內地買家大多以現金買樓，而且不熟悉與內地截然不同的香港法律及金融規管架構，相比起香港買家，他們大部分被人認為不夠精明，而且置業時較為匆忙。無論買家是否匆匆付鈔、又或者空有熱忱，但欠缺買樓經驗，監管局都會秉持同一套的準則、盡力執行監管工作，致力做到「一個國家，兩種消費模式，同一套基準」。另一方面，移民顧問公司在經營業務的過程中可能進行地產代理工作，因此我們認為有需要留意移民顧問公司在這一方面的活動。監管局就有關課題舉辦了研討會，向與會人士闡釋發牌規定，向他們提供這方面的指引，充分反映出監管局十分著重對外界進行宣傳教育的工作。

#### 調低強制拍賣舊樓的法定門檻

近期的新聞報道指，有人涉嫌以不當手法威迫舊樓的長期居民出售單位，而這些居民往往對相關資訊掌握不多。有見及此，我們急切需要一套清晰而嚴格的指引，規管有關活動。持牌人因為強制拍賣舊樓的法定門檻降低而有了新的商機。監管局會確保持牌人能適當運用新商機的同時，亦保障公眾的利益。

## **Whilst change is a certainty We manage change responsibly**

The year 2009 to the first half of 2010 has seen a dramatic carousel-like volatility in Hong Kong real estate market. EAA has steered our regulatory role in a timely manner to cope with the many compounding and dramatic new phenomena, which have hitherto been either unheard or unexpected of:

### **The “tsunami” and the swift rebound**

Consumers have now been “trained” once more, and their awareness of and therefore demands for a strong and consistent regulator going forward are now a certainty.

### **The advent of purchasers from motherland**

As cash buyers unused to a legal and financial regulatory framework quite different from their roots, the average mainland buyer is perceived as less savvy and more in a hurry than their Hong Kong counterpart. Irrespective of whether a purchaser has hurried cash in his pocket or raw enthusiasm, EAA maintains our same standard and diligence in execution of our regulatory duties. ONE COUNTRY, TWO CONSUMER BEHAVIOURS, BUT ONE BENCHMARK. However, we recognize the need for surveillance of immigration consultants who may carry out estate agency work in the course of their business. Hence an informative forum of licensing requirements was organised and guidance given to these consultants as part of our outreaching and educational programme.

### **Lower statutory threshold for compulsory sales of old tenements**

Dubious tactics employed to coerce unwitting long time residents to sell has been in the news of late. We need clear and strict guidelines urgently. This works in favour of our licensees, as the lowering of the statutory threshold represents new business opportunities. EAA will see to it that these opportunities can be made use of in an optimum manner by our licensees, whilst ensuring public interest is paramount.

**“Whilst change  
is a certainty,  
We manage  
change  
responsibly”**

“積極主動  
防範未然”

**一手樓盤銷售及政府新推出的「九招十二式」措施**

監管局作為地產代理業界的「把關者」，常秉持務實的態度。雖然我們一直不斷審視各指引及規則中的不足之處，令指引更加有成效，但仍然難以防止有人鑽空子。然而，這並不表示我們可以因此而安於現狀；反之，我們從不敷衍了事，遇到鑽空子的行為，不會辯稱：「我們已盡己任」。監管局將切實執行各項新指引，修正漏洞，並以無私無懼、不偏不倚的態度處分違規的害群之馬。只有這樣，監管局才能發揮真正效用，監管局才可稱得上已盡了規管的職責。

**積極主動 防範未然**

**持續專業進修計劃邁向強制性**

監管局目前推出的持續專業進修課程，有助維持和提升持牌人的道德操守和專業水平。在過去一年，就持續專業進修計劃轉為強制性的發展方向，監管局與業界展開了對話，並且初步取得業界的支持。我想藉此機會，感謝每一位地產代理從業員的無私付出。從業員花更多時間參與持續專業進修活動，意味著他們可能會犧牲寶貴的創富時間。中小型地產代理公司在人力資源上的負擔更可能會增加。因此，業界能夠支持這個發展方向，是值得嘉許的；而業界具備使命及遠見，凡事能夠以公眾和行業的利益為先，實在教人欣慰。未來一年，我們會積極就修訂法例和資源配套上繼續作出準備，以便推出一個迎合業界需要的強制性持續專業進修制度。

**老化樓宇的安全問題 — 持牌人應如何保障公眾利益**

2010年1月發生的土瓜灣塌樓慘劇提醒我們，地產代理在就客戶購買或租用老化樓宇的過程中應盡的職責。監管局曾舉辦多次研討會，提醒所有的持牌人應負的責任，並會繼續舉辦這類研討會。此外，監管局亦發出了相關的執業通告，說明從業員向客戶披露真實資料的重要性。我們有需要提醒消費者關於購買及租用舊樓所涉及的風險。

### First sales and the government's "Nine new measures and 12 requirements"

As a gatekeeper we have to live with reality. Our guidelines and rules are and will be scrutinized for loopholes, and due advantage and abuse are inevitable. This, however, does not mean we are and will be complacent. We are not here to pay lip service and point to the ingenuity of the abusers and that "we have done our part". The birth of new guidelines at every junction will be resolutely enforced, and loopholes cured and disciplinary measures applied with no fear or favour. It is only then that EAA can and will be effective. It is also only then that we can be said to have fulfilled our regulatory duties.



### Proactive Preemptive Preventive

#### Towards compulsory CPD

Raising and maintaining our licensees' ethics and professional calling can in part be achieved by our current CPD courses. We have, during the past year, gained the preliminary support of the trade associations to move along the mandatory CPD direction. I would like to thank the trade members for this selfless commitment. Expending hours to attend CPD courses means possible loss of precious income generating time for every trade member. Small and medium estate agency firms may find this a burden on manpower resources. Hence, to support this initiative is laudatory; and I must congratulate the trade in their mission and vision to put public and professional interest foremost. In the coming year, we will work towards both the legal and resource logistics in bringing about a mandatory CPD regime, which befits the needs for the trade.

#### Safety of aging building – how our licensees can play a role in our call to protect public interest

The tragic collapse of an old building in To Kwa Wan in January 2010 has reminded us of the duty of estate agents in the conduct of sale and leasing of aging properties. EAA held and will be holding seminars as a wake up call to our licensees. We have also issued a practice circular embodying the need of true disclosure. We need to alert consumers to the risks in the purchase and lease of such properties.



### 訓練精明「用家」

精明的買家及賣家無疑是對抗違規行為的第一道防線。因此，任何監管機構的首要工作，便是教育消費者。年內，監管局積極與傳媒機構合作，發表了一系列文章，說明了買賣或租賃物業的常見問題。監管局現正計劃革新網站，新網站將設有消費者教育專頁。監管局會繼續多與媒體合作，將相關資訊提供給有興趣的人士，包括境外消費者／投資者。

因此，監管局不單為持牌人提供培訓，也會訓練持牌人所服務的「用家」。有人說過：「懂得要求，得你所想」，套用在這裡便最適合不過了。

### 更新業界「軟件」

在去年年報的主席報告中，我曾承諾會在業界建立一種「誠信公平可創富」的文化。為此，監管局在去年出版了《香港地產代理從業員執業手冊》，列出了地產代理工作各個範疇的最理想標準。此外，監管局將會與廉政公署合作為地產代理推行為期三年的誠信管理計劃，有關的籌備工作已經開始。

### 協助持牌人開拓新商機

#### 1. 就「內地與香港更緊密經貿關係安排(CEPA)互認安排」與內地相關機構商討的進展

今年四月，我與監管局的行政總裁到訪北京，與中國房地產估價師與房地產經紀人學會落實有關協議。有關法例草案已經於立法會小組委員會的三次會議討論後獲得通過。我們預期雙方最終在簽訂協議後，在明年初正式實施有關安排。

#### 2. 善用工業大廈將帶來嶄新商機

政府推出優化未充分利用的工業大廈的措施，備受地產代理業界歡迎。監管局已率先舉辦了有關議題的持續專業進修講座，邀請了政府官員為持牌人介紹措施的內容。監管局將繼續舉辦這類進修活動，務求讓持牌人充分掌握市場的最新動態！



### Train our “users”

Savvy buyers and sellers are the first line of defence against malpractice. Educating consumers is a top priority for any regulator. During the year, the EAA secured media collaboration to run a series of articles on the common pitfalls of buying, selling or leasing properties. The EAA is planning to revamp its website and the new website will have a dedicated section on consumer education. More collaboration with media will help disseminate such information to those interested, including consumers/investors from outside Hong Kong.

Hence EAA is here not only to train our licensees. It is as important to train the “users” of the services of our licensees. The saying, “YOU ONLY GET WHAT YOU ASK FOR” is truly applicable here.

### Updating the “software”

In my Chairman’s message in last year’s annual report, I vowed to foster a culture of “IT PAYS TO PLAY FAIR AND PROPER”. To this end, a *Practice Guide* was released in the year, which sets out the best practices for various aspects of estate agency work. EAA has also started working with the ICAC on a three-year integrity management programme.

### Supporting our licensees to create new business growth engines

#### 1. Negotiations status on CEPA reciprocal recognition with our Mainland counterpart

I and our CEO met with China Institute of Real Estate Appraisers and Agents (CIREA) in April this year in Beijing to finalise the agreement. The proposal has passed through three subcommittee meetings of our own LegCo. We expect to be able to finally sign the Agreement and take off by early next year.

#### 2. Industrial Building’s optimizing will bring new business

The government’s initiative to optimize our underused industrial buildings should be a welcomed new addition to estate agency business. EAA spearheaded a CPD seminar on the subject. Government officials were invited to brief our licensees on the initiative. EAA will continue with such initiative to keep licensees keyed in “real time”!

“Proactive  
Preemptive  
Preventive”

“不偏不倚  
維持公平”

**不偏不倚 維持公平**

監管局一直以無私無懼、不偏不倚的態度，盡力及切實地履行其監管職責。我們就領匯管理有限公司涉嫌無牌從事地產代理工作展開調查，並迅速將個案轉介合適的執法機構跟進，充分表明了監管局在這方面的決心。

**感謝與讚揚**

在過去一年，我們對監管局的人力資源架構進行了全面的檢討。我非常榮幸能得到各監管局董事局成員的支持，包括人力資源顧問建議工作小組主席伍景華先生、監管局副主席廖譚婉瓊女士、馬豪輝先生、梁永祥先生及廖玉玲女士。他們努力不懈、饒富遠見，為有關檢討工作無私地付出大量的時間。此外，我同樣要藉此讚揚羅兵咸永道會計師事務所の李群先生、銀河娛樂集團有限公司的呂慧玲女士及卓佳顧問有限公司的吳國輝先生，感謝他們擔任小組的專家顧問。受惠於他們的專業意見，工作小組詳細討論了人力資源顧問公司Hay Group最近完成的「監管局人力資源架構檢討」報告，並處理一系列報告中所提出的複雜問題。

在董事局層面，我藉此機會感謝運輸及房屋局一直對監管局的工作和使命給予支持。在過去一年，監管局的工作取得重大進展，各委員會的主席——廖譚婉瓊女士、馬豪輝先生、梁永祥先生、李峻銘先生及陳友正博士，以及其他董事局成員實在功不可沒。

當然，如果沒有監管局同事的共同努力，我們絕對不能取得今天的成績。在行政總裁余呂杏茜女士的卓越領導，韓婉萍女士、黃維豐先生及劉淑棻女士三位總監的出謀獻策及共同努力下，每一位同事均能克盡己職、發揮所長。要是沒有他們的參與，我便無法從主席的工作中獲得如斯愉悅和滿足感。

主席

**陳韻雲，BBS，JP**



## Towards a level playing field

I see our regulatory role as due and proper enforcement without fear or favour. Our probe into Link Management Limited on allegation of unlicensed activities, and the subsequent swift referral to the appropriate law enforcement authority demonstrates our determination in this respect.

## My gratitude and admiration

Over the past year, we have done a thorough review of the internal human resources structure of EAA. I am truly privileged and honoured to be supported by the hard work and insight from our Board Members: Mr Ng King-wah who chaired the work group, our Vice-Chairman, Mrs Amy Liu Tam Yuen-king, Mr Ma Ho-fai, Mr William Leung Wing-cheung and Ms Elaine Liu Yuk-ling. They have expended considerable time and selfless devotion to the project. Equal credit, if not more, should be given to Mr Alex Lee of PricewaterhouseCoopers, Ms Eileen Lui of Galaxy Entertainment Group and Mr John Ng of Tricor Consulting Limited, who have served as HR experts in our group. With their professional expertise, the HR group is sagely guided to navigate complex issues presented by our HR review brought about by the recent Hay Group's report on EAA HR structure.

At our Board level, I would like to thank the Transport and Housing Bureau for their continuous support of EAA work and mission. Our respective Chairs of our Committees, Mrs Amy Liu Tam Yuen-king, Mr Ma Ho-fai, Mr William Leung Wing-cheung, Mr Eric Lee Chun-ming and Dr Bob Chan Yau-ching and each of our Board Members, all of whom are integral to EAA's significant progress over the past year.

Of course, EAA would never have done so well if it were not for all of our EAA colleagues. They have excelled under the able leadership of Mrs Rosanna Ure, our Chief Executive Officer and the collective wisdom of our directors, Miss Ruby Hon, Mr Anthony Wong and Ms Eva Lau. My chairmanship would not have either been as enjoyable or fulfilling, had it not been for all of them.

**Vivien Chan, BBS, JP**

Chairman

**“Towards  
a level  
playing field”**