

立法會 *Legislative Council*

立法會LS29/99-00號文件

1999年11月19日立法會內務委員會會議文件

1999年11月12日在憲報刊登的附屬法例
法律事務部報告

提交立法會會議席上省覽的日期 : 1999年11月17日
作出修訂的限期 : 1999年12月15日(若議決延期，
則可延展至2000年1月5日)

《入境條例》(第115章)
《1999年入境(修訂)規例》(第273號法律公告)

此修訂規例修訂《入境規例》(第115章，附屬法例)，為入境事務審裁處訂立在有人根據《入境條例》(第115章)第2AD(1)或(2)條就入境事務處處長不發出居留權證明書(下稱“居權證”)或其經核證複本的決定而向該審裁處提出的上訴中，該審裁處須採用的常規及程序。

有關修訂是因應以引進居權證計劃而制定的《1997年入境(修訂)(第3號)條例》(1997年第124號條例)所作出的相應修訂。該修訂條例已當作自1997年7月1日起實施。雖然《入境條例》第2AD(1)及(2)條訂明提出上訴的時限，但根據第2AD(4)條，入境事務審裁處可受理並非在該段時限之內提出的上訴。

該修訂規例訂立的新的第9B條及附表4，與有關就入境事務處處長發出的遣送離境令而上訴的第9A條及附表3是按同樣方式草擬的。當局已作出有關改動，以顧及根據第2AD條提出上訴的各種不同情況。法律事務部現正要求政府當局就若干草擬方式作出澄清。

議員可參閱保安局於1999年11月10日發出的立法會參考資料摘要(檔號：SBCR 14/2091/97)，以了解有關的背景資料。

*** 《地產代理條例》(第511章)
《1999年地產代理(發牌)(修訂)規例》(第274號法律公告)**

此修訂規例由地產代理監管局在房屋局局長的批准下訂立，目的是把就牌照的批給或續期而須繳付的費用調低20%。現行牌照費用自1998年11月起，已在《地產代理(發牌)規例》(第511章，附屬法例)內訂明。修訂規例將於2000年1月1日起實施。現行及擬議收費的比較載於附件A。

立法會房屋事務委員會曾於其1999年10月20日會議上，與政府當局、地產代理監管局及業界討論調低牌照費用的建議。地產代理監管局為該次會議擬備的參考文件載於附件B，而該次會議的紀要摘錄(只備英文本)則載於附件C。

**《公眾衛生及市政條例》(第132章)
《1999年博物館指定(修訂)(第2號)令》(第275號法律公告)**

此命令指定位於沙田文林路1號的香港文化博物館為博物館。此命令的作用是賦權臨時區域市政局管理及管轄該博物館及在該處提供各類設施。

**# 《法律執業者條例》(第159章)
《1999年法律執業者(費用)(修訂)規則》(第276號法律公告)**

此修訂規則由終審法院首席法官訂立，旨在把須繳付予香港大律師公會作為發出大律師執業證書的費用，由1,300元調高至1,400元。

該費用上次於1998年11月調整。該次法律事務部要求政府當局澄清有關該等規則應由終審法院首席法官根據《法律執業者條例》第72條訂立，還是應由大律師公會執行委員會(下稱“執委會”)根據該條例第30(4)條訂立。

* 關乎調低收費

關於調高費用

經討論後，政府當局於1999年6月提交《1999年法律執業者(修訂)條例草案》。政府當局擬保留終審法院首席法官現行訂立附屬法例的權力，但建議加入新的第72AA條，從而使執委會在獲得終審法院首席法官的事先批准下，有權訂立規則訂明此類費用。法案委員會現已成立，就條例草案進行詳細研究。

立法會秘書處
助理法律顧問
黃思敏
1999年11月15日

地產代理牌照的批給或續期的現行及擬議收費比較

牌照的批給或續期	現行收費 (每年)	擬議收費 (每年)
營業員牌照	2,300元	1,840元
地產代理(個人)牌照		
— 個人地產代理	3,600元	2,880元
<u>另加</u>		
— 在一個營業地點以每個營業名稱經營獨資／合夥業務	3,800元	3,040元
<u>另加</u>		
— 在每個額外營業地點以每個營業名稱營業	3,800元	3,040元
地產代理(公司)牌照		
— 以一個營業名稱 ——		
(i) 在一個營業地點營業	5,000元	4,000元
(ii) 在每個額外營業地點營業	3,800元	3,040元
<u>另加</u>		
— 以每個額外營業名稱 ——		
(i) 在一個營業地點營業	5,000元	4,000元
(ii) 在每個額外營業地點營業	3,800元	3,040元

一九九九年十月二十日會議
參考資料

**立法局房屋事務委員會
地產代理監管局**

目的

本文件呈交立法會房屋事務委員會，就地產代理監管局最新工作進度作一報告。本文件分兩部份，第一部份詳述監管局的角色及工作重點；第二部份闡釋監管局對調低牌費的建議。

第一部份：監管局的角色及工作重點

監管局的角色

2. 地產代理監管局乃根據《地產代理條例》成立，負責規管地產代理的執業行爲；提高地產代理業的服務水平和專業地位；以及爲從業員提供適切的培訓。監管局自成立以來，力求不偏不倚，在這三項功能上取得均衡。

3. 監管局爲一財政自給的法定機構，收入來源主要依賴地產代理的牌費收入，監管局的成員由行政長官委任，來自不同專業，有相當廣泛的代表性。近期地產代理市道不景，加上《地產代理常規（一般責任及香港住宅物業）規例》行將實施，業界對前景感到憂慮。

4. 監管局有多重角色，一方面爲業界提供實質的支援和協助，一方面要處理消費者對地產代理的投訴。監管局亦規管行業的執業手法，對市民提供有力的保障。

5. 監管局在分配資源和決定工作的緩急次序時，已充份考慮業界和市民對監管局的期望，並力求無偏頗地符合各方面的需要。在爲行業提供適切的培訓，協助業界提高專業水平的同時，監管局亦在處理投訴及檢舉違規事件時，盡可能注入教育元素，以協助從業員依法

執業為依歸。當然監管局亦不忘公眾教育的重要，只有消費者確切認識自己的權利和義務，地產代理從業員守法自重，投訴個案自能減少。

監管局的工作重點

規例及執業指引

6. 《地產代理常規（一般責任及香港住宅物業）規例》及《地產代理（裁定佣金爭議）規例》經一輪諮詢及商討後，於本年六月獲立法會通過，定於 11 月 1 日開始實施。監管局已安排頻密的培訓項目，並研製一系列培訓教材，供各商會及商戶作內部培訓用。

7. 在發牌制度實施時，監管局已為業界制訂了一套執業指引，作為向客戶提供服務時應依循的準則。在《常規規例》生效後，有關內容亦須相應作出更新，監管局已制訂了第二套執業指引，供從業員參考。

培訓及考試

8. 自成立至今，監管局共主辦過數十次研討會或講座，詳細介紹各項新規例、標準文件、查冊方法及二手居屋買賣等，並解答從業員的問題，參與這些活動的業內人士超過 9000 人次。監管局的職員亦經常出席由商會或其他地產代理機構主辦的研討會，參加入次估計超過 7000。大部份的研討會或講座的錄影帶，均會在監管局的資源中心定期重播，讓錯過了的從業員也有機會了解講座的内容。

9. 除主辦講座外，監管局還製作各類培訓教材及參考材料，供業界使用，包括導師手冊、與地產代理有關的法例及實務的參考書目、應付資格考試的自學教材等。教材更以不同媒體製備，分別供地產代理從業員、培訓人員及市民使用。

10. 在本年度 7 月舉辦的第二次執業資格考試中，共有 6000 多人應考，當中近三成考生於考試時並非從事地產代理行業。是次考試的平均及格率為 55%。

投訴

11. 只有有效的投訴機制才可維護消費者的權益。監管局自本年 1 月迄今，共接獲超過 600 宗投訴，包括 900 多項指控，當中大部份由投訴人直接向監管局投訴，部份則由消費者委員會、立法會議員、臨時區議員和傳媒轉介。所有投訴經了解或調查後，若有關指控屬實，除對違規者紀律處分外，並給予訓示，以收教育之效。同期監管局亦接獲近 2000 個與地產代理操守及服務有關的查詢。

條例執行

12. 在本年度首 9 個月，監管局共巡察了 500 多處地產代理營業地點，及多處新樓盤銷售中心。在巡察期間，監管局職員亦向從業員解釋新法例及回答他們的詢問，遇有違規事件，監管局會作出警告或訓示，並於稍後再探訪，確保代理遵守有關規定。在巡查期間，亦發現部份大廈管理員無牌從事地產代理工作，監管局已向違例者作出警告，或將案件轉交警方處理。為讓大廈管理員知悉從事地產代理工作必須領牌的規定，監管局已致函全港 3000 餘個業主立案法團及百多家物業管理公司，解釋有關法例。

13. 為協助業界為物業查冊及準備物業資料表格，土地註冊處已延長查冊時間，屋宇署亦大大縮減申請入伙紙副本的時間。此外，差餉物業估價處亦與監管局合作，印製一張電腦光碟，方便業界利用資訊聆服務。

14. 《常規規例》行將實施，預計會有大量的查詢，除原有電話熱線服務外，監管局特開設執業規例熱線，為從業員或市民解答有關新規例的問題。由本年 10 月開始，監管局亦安排前往一些大型屋苑，或物業交投頻繁的地區，舉辦一系列社區講座，向市民簡介新規例。

裁定佣金爭議

15. 由本年 11 月開始，監管局將提供一個法律訴訟以外的佣金裁定渠道，為地產代理與客戶之間的佣金爭議作仲裁。監管局已製備簡介單張及小冊子，向從業員及消費者介紹是項服務。有關裁定的登記，和上訴機制的規定，亦已提交律政署，作適當的立法程序。

公眾教育

16. 為配合《地產代理條例》和附屬法例的實施，監管局必須向業界及社會大眾灌輸這方面的知識。為此，監管局曾在本港的主要報章撰寫專題文章，介紹《地產代理條例》及附例。此外，透過政府新聞處的安排，在電台播放宣傳聲帶，介紹新規例。為進一步引起社會人士對新執業規例的關注，監管局將會與消費者委員會及香港電台合作，在 11 月舉辦一個為期兩星期的問答遊戲，藉此介紹行將推行的《常規規例》。

17. 監管局印備了「物業交易須知」單張及「執業依規例，人人有保障」海報，讓市民認識執業新規例，並提醒市民在物業交易中須注意的事項。監管局的外展服務，亦為公眾教育重要的一環，監管局經常派員前往各區民政事務署及消費者委員會辦事處，為市民解答《常規規例》及與地產代理服務有關的問題。

18. 監管局的資源中心，自本年 8 月成立迄今，已有近 2500 人次使用各項服務，包括查閱地產代理登記名冊、使用圖書館、參加執業或填表講座及觀看講座錄影帶。資源中心還備有自學教材，供從業員修習以提升專業知識。

第二部份：牌費

背景

19. 目前的牌照收費率，乃監管局於 1998 年中籌備第一次發牌

時，根據由業界協助所作之從業員人數調查統計而制訂。由於實際發牌數目比原先預測為多，令監管局財政出現盈餘。

20. 監管局的財務政策以能達到每年及長期收支平衡為原則。惟在作出財政預算時，最難掌握的是準確估計持牌人數。目前，監管局主要依賴業界商會提供的資料。但若有關資料高估或低估人數時，監管局的財政便會出現盈餘或赤字，就如在估計 1999/2000 年從業員人數時，便因過份保守而導致監管局在本財政年度終結時大約有賬面盈餘約 4000 萬元。在扣除營運開支後，監管局有約 2500 萬元的實質盈餘。從審慎理財的角度考慮，監管局的財政儲備指標應為本年度開支的 25%，即約為 1500 萬元。因此，監管局若考慮調低牌費，必須動用其滾存盈餘。

21. 鑑於監管局只有一年營運經驗及支出可能增加，監管局屬下的牌照委員會在本年八月三十一日決定不會調整來年地產代理牌費的水平。事後業界人士感到非常不滿。監管局隨後在九月九日的全體大會上考慮一份建議，將牌費減低百分之十；這項建議獲得大部份委員通過。監管局在九月中向房屋局局長尋求批准這項牌費建議，俾能將有關的牌費調整以不否決或不提出修訂的議定程序提交立法會審議。

建議 2000 年度牌費調低 20%

22. 房屋局局長於九月二十七日直接聽取五個地產代理聯會負責人及兩位立法會議員的陳述，他們反映業界對不同事項的強烈意見，包括要求把牌費降低百分之五十。房屋局局長承諾把意見向地產代理監管局主席反映。房屋局局長在信中表示：「立法會議員及業界人士的反應非常強烈，有見及此，我相信地產代理監管局會希望盡早與五個商會會面。監管局亦可能希望重新檢討該局的運作，其中包括如何處置累積的盈餘、來年的牌費水平、監管局與業界的溝通、設立中央資料庫的進展及其他事項。」監管局在十月十四日召開會議，會上成員投票通過把牌費照費減少百分之二十。

23. 監管局的牌費收入，乃按估計從業員人數推算而來。地產代理行業素以人力流動頻仍見稱。根據業界商會的估計，因市道欠佳，加上 11 月後經營成本上漲，將有不少從業員離開，經扣除預計新入行人數後，預計在 2000 年初行業的人數將流失約 20%。在三年過渡期滿後（2001 年 12 月 31 日），一些從業員可能因未能成功通過資格考試而離開行業，流失率可能進一步增加 10%。

24. 監管局在制訂支出預算時，已充份克制及採取適當措施調控，其中包括：把監管局員工編制凍結於 1999/2000 年水平；所有員工均須採用二年或三年的合約制，以便更靈活控制員工人數；及積極採用各項「資源增值」措施。

25. 今後五年的財政狀況推算詳見附表。根據這些預算，減收牌費必須動用監管局的財政盈餘。若減幅為 20%，則兩年後滾存盈餘將減半，但盈餘仍能維持相等於來年度開支的 25%。若此推算準確，則到 2004/05 年，盈餘將完全耗盡。

26. 為確保監管局有效地履行其各項法定職能，工作不受牌費收入減少所影響，監管局將經常檢討資源之適當調配，繼續有效地推行業內培訓及公眾教育；處理投訴；以及籌備成立中央資料庫等。此外，監管局亦會預留款項，用作因執行法例而可能引致的法律訴訟。

27. 明年 1 月續牌工作完成後，對從業員人數有更充份的掌握，屆時監管局再作全面檢討，若人數保持穩定，則可望將牌費維持既定水平。日後若有需要，監管局須考慮向房屋局及立法會申請將牌費調整，以保持財政穩健。

地產代理監管局

一九九九年十月

附表

地產代理監管局																				
5年的收支預算一假定從2000年起，持牌人數目減少20%，牌費減少5%至30%。																				
並從2002年起，持牌人數目進一步減少10%																				
(港幣百萬元)	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005															
減5%																				
是年度盈餘/(虧損)	5.170	2.981	(1,515)	0.109	2.317															
累積盈餘/(虧損)	40.882	46.052	49.033	47.518	47.627															
累積盈餘/(虧損)結餘	46.052	49.033	47.518	47.627	49.944															
未攤銷營運前支出	8.255	4.745	1.235	0.000	0.000															
除淨未攤銷營運前支出之實質盈餘/(虧損)	37.797	44.288	46.283	47.627	49.944															
減10%																				
是年度盈餘/(虧損)	1.651	(0.578)	(4.974)	(3.452)	(1.347)															
累積盈餘/(虧損)	40.044	41.695	41.118	36.144	32.692															
累積盈餘/(虧損)結餘	41.695	41.118	36.144	32.692	31.345															
未攤銷營運前支出	8.255	4.745	1.235	0.000	0.000															
除淨未攤銷營運前支出之實質盈餘/(虧損)	33.440	36.373	34.909	32.692	31.345															
減15%																				
是年度盈餘/(虧損)	(1.867)	(4.135)	(8.431)	(7.012)	(5.010)															
累積盈餘/(虧損)	39.207	37.340	33.205	24.773	17.761															
累積盈餘/(虧損)結餘	37.340	33.205	24.773	17.761	12.752															
未攤銷營運前支出	8.255	4.745	1.235	0.000	0.000															
實質盈餘/(虧損)減累積營運前支出	29.085	28.460	23.538	17.761	12.752															
減20%																				
是年度盈餘/(虧損)	(5.386)	(7.693)	(11.889)	(10.572)	(8.673)															
累積盈餘/(虧損)	38.369	32.983	25.290	13.402	2.830															
累積盈餘/(虧損)結餘	32.983	25.290	13.402	2.830	(5.843)															
未攤銷營運前支出	8.255	4.745	1.235	0.000	0.000															
除淨未攤銷營運前支出之實質盈餘/(虧損)	24.728	20.545	12.167	2.830	(5.843)															
減25%																				
是年度盈餘/(虧損)	(8.904)	(11.252)	(15.347)	(14.133)	(12.336)															
累積盈餘/(虧損)	37.531	28.627	17.375	2.028	(12.105)															
累積盈餘/(虧損)結餘	28.627	17.375	2.028	(12.105)	(24.442)															
未攤銷營運前支出	8.255	4.745	1.235	0.000	0.000															
實質盈餘/(虧損)減累積營運前支出	20.372	12.630	0.793	(12.105)	(24.442)															
減30%																				
是年度盈餘/(虧損)	(12.424)	(14.810)	(18.805)	(17.693)	(15.999)															
累積盈餘/(虧損)	36.693	24.269	9.460	(9.345)	(27.038)															
累積盈餘/(虧損)結餘	24.269	9.460	(9.345)	(27.038)	(43.037)															
未攤銷營運前支出	8.255	4.745	1.235	0.000	0.000															
除淨未攤銷營運前支出之實質盈餘/(虧損)	16.014	4.715	(10.580)	(27.038)	(43.037)															

備註：
 1) 2000/2001年度牌費收入 = 2000年9/12的牌費 + 2001年3/12的牌費。
 2) 其他收入包括考試費和利息收入。
 3) 2000/2001年度 -- 總支出包括全年成本(按照1999/2000年度價格水平計算)。
 從2001/2002年度起 -- 總支出包括中央資料庫資本成本折舊。
 4) 政府貸款利息按照修訂的還款附表計算。
 5) 各年度並無包括通脹撥備。
 6) 假設員工編制與1999/2000年度所核准水平相同。
 7) 營運前支出分5年攤銷。

Extract

Annex C
附件C

立法會 ***Legislative Council***

Draft

LC Paper No. CB(1) /99-00
(These minutes have been seen
by the Administration)

Ref: CB1/PL/HG/1

Panel on Housing

Minutes of meeting
held on Wednesday, 20 October 1999, at 8:30 am
in the Chamber of the Legislative Council Building

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V Estate Agents Authority

Meeting with the Society of Hong Kong Real Estate Agents Ltd, the Hong Kong Real Estate Agencies Association, the Hong Kong Chamber of Professional Property Consultants Ltd, the Property Agencies Association Ltd and the New Territories Estate Agency Association
(LC Paper No. CB(1) 132/99-00(02))

10. Ms Louisa SUM explained to members the difficult situation which property agents would face upon the implementation of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation (Practice Regulation) on 1 November 1999. She said that there would be substantial increase in the operating cost since they had to pay charges to different departments in order to obtain the information required under the Practice Regulation. She commented that the consultation period of the Practice Regulation was too short for the trade participants to digest the complicated regulation and to express their views. Furthermore, she highlighted major proposals in their submission for members' information as follows:

- (i) to reduce the licence fee by 50% taking into account the considerable surplus of the EAA;

- (ii) to suspend the implementation of the Practice Regulation until a centralized property databank was established under the joint effort of the Housing Bureau and the EAA;
- (iii) to speed up the establishment of the databank;
- (iv) EAA to provide more assistance to members of the trade such as training, enquiry hotlines and increasing the frequency of qualifying examinations;
- (v) to appoint more representatives of the trade to the EAA; and
- (vi) to strengthen publicity on the work of EAA and the Practice Regulation.

11. Mr Fred LI Wah-ming and Mr Gary CHENG Kai-nam declared interest as members of the EAA.

12. On *the determination of level of licence fee*, Mr CHU Yu-lin opined that there appeared to be insufficient communication between the EAA and trade members. Chief Executive Officer/Estate Agents Authority (CEO/EAA) responded that EAA was a self-financing statutory body and its major source of income was from the licence fee paid by the trade members. There was a Licensing Committee under EAA responsible for determining the level of licence fee. She explained that the policy of the EAA was to budget for a break-even in each financial year and in the long term. However, in formulating its budget, it was difficult to estimate the income as the number of licensees could not be predetermined with accuracy in view of the high mobility of the trade members. Taking into account the cumulated surplus of the EAA and the strong views of the trade members, EAA had decided to reduce the licence fee by 20% at a meeting on 14 October 1999. She remarked that the level of licence fee would be subject to review once there were signs showing that the surplus might be exhausted.

13. On *measures to reduce operating cost of the EAA*, Mr CHU Yu-lin proposed that in view of the anticipated drop in number of licensees in the coming year, the EAA could reduce its expenditure on staff cost by cutting its manpower instead of just freezing the growth in the establishment. He said that by cutting cost, EAA could offer further reduction to the licence fee so that the economic burden on trade participants could be alleviated. Mr LUN Chi-yim added that a 50% cut in the licence fee as proposed by the trade members should be acceptable to the EAA taking into account its \$40 million surplus. He urged the Administration to appreciate the difficulties of the trade under the existing economic depression and make further reduction in the licence fee.

Admin

14. While fully understanding the difficulties of the trade, CEO/EAA explained that EAA had given due consideration in drafting its budget and establishment. Reduction in manpower would be unlikely in the near future for technical reasons of employment terms of contract staff as well as the anticipated increase in workload for handling complaints and providing assistance to trade members when the Practice Regulation came into effect. She added that with a 20% cut in the licence fee, EAA would be facing a very stringent budget. Upon members' request, she undertook to provide the breakdown on income and expenditure of the EAA for members' information.

(Post-meeting note: The forecast on income and expenditure of the EAA was circulated to members vide LC Paper No. CB(1)253/99-00 on 4 November 1999.)

15. Mrs Selina CHOW LIANG Shuk-ye expressed appreciation of the open attitude of the Administration in achieving solution to the disagreement on licence fee. She opined that the core of the problem was the user-pays and self-financing principles adopted by the EAA. The trade members were not convinced that further reduction in the licence fee was impossible taking into account the \$40 million surplus EAA had in hand. In addition, she was concerned about the transparency of EAA as a self-financing regulatory body and enquired whether there was any kind of publications on EAA's work and expenditure available for public information.

16. CEO/EAA reiterated that EAA had been exercising very strict control on its expenditure. She quoted the example of the pay scale of EAA staff which was set according to that of the private sector and there would be no increment within the 2 years' contract. On the issue of transparency, the Deputy Secretary for Housing (DS for H) informed members that the annual report of EAA had been presented to the Legislative Council on 13 October 1999.

17. On *facilitating provision of property information*, the Assistant Director/Legal & Management/Building Department informed members that the Buildings Department had recently streamlined its information access system on certified copies of Occupation Permit. The retrieval time had been significantly reduced from 14 days to about three days and there was now a plan on further reducing the retrieval time to one working day. It was also proposed, subject to the approval of the relevant authorities, to reduce the charge for providing a certified true copy of an occupation permit from \$190 to the region of \$50. The Assistant Commissioner (Admin. & Staff Development)/Rating and Valuation Department said that 24 hour Info-Hotline Service was provided for enquiry of property information with the Rating and Valuation Department. The service could handle up to 2000 enquiries per day and it would take about two minutes with a cost of \$12 - 15 to

make enquiry on one property. The Registry Manager/Land Registry said that the Land Registry had been providing Direct Access Service since 1994 for subscribed users to gain access to the land register through computers in their offices. The service hours had been extended since 1 September 1999 and the Registry was considering the provision of service on public holidays.

18. On the *establishment of a centralized property databank*, Mr NG Leung-sing asked whether the Administration had set a schedule for the establishment and whether the trade members' proposal of deferring the implementation of the Practice Regulation until the establishment of the databank could be considered.

19. DS for H responded that property agents had the responsibility to provide accurate property information to purchasers even before the implementation of the Practice Regulation. Although the Practice Regulation would inevitably involve a change to the workflow and the culture of the trade, many of the elements that made up the cost per listing on the part of the estate agent had been part and parcel of the nature of estate agency work. She said that the Housing Bureau (HB) was of the view that the setting up of a databank should not be a prerequisite for the implementation of the Practice Regulation. Nevertheless, the HB had pursued the idea actively and had explored the feasibility of setting up the databank with relevant departments i.e. the Land Registry, the Buildings Department and the Rating and Valuation Department.

20. Mr Fred LI asked whether the Housing Bureau or the EAA would be responsible for the establishment of the centralized databank. He commented that if EAA would be in charge of the set up as well as the provision of fundings for the databank, the source of funding would come from the trade instead of from the Government. DS for H replied that as the statutory body for regulation of the trade and for raising service and professional standards, the EAA should be the most appropriate body to assume responsibility of the establishment of a centralized property databank. She added that the HB would provide support in liaising with relevant Government departments for compilation of information required and to facilitate the project where appropriate.

21. CEO/EAA said that the EAA had been informed of the responsibility of setting up the databank only recently. She explained that although relevant departments were supportive to the idea in principle, there were a number of technical problems to be resolved, such as the integration of incompatible data being stored in different forms in different departments and the possible infringement of copyrights. Therefore, a schedule for the establishment of the databank was not yet available and the EAA would set up a special working group on this in due course.

Admin

22. Mr Fred LI said that he had received information about a private organisation establishing a property databank for users to access to required information through internet. He wished to know the reason behind the Administration's slow progress on this issue whilst a private organization could achieve this much in advance. The Chairman shared Mr LI's views and commented that the Panel should be provided with more information on this issue.

23. In response to Mr Gary CHENG's concern over the possible role conflict of the Secretary for Housing (S for H) on officiating an opening ceremony of a property databank set up by a private organisation, Principal Assistant Secretary for Housing clarified that the Housing Bureau was gathering more information on the function before S for H would decide on whether or not to attend.

24. Mr Gary CHENG expressed dissatisfaction on the recent incidents where HB referred trade members' request to EAA for reduction in licence fee and assigning the responsibility of setting up a centralized databank to the EAA. He opined that as a self-financing statutory body, the EAA should be given more autonomy in decision making. DS for H stressed that HB respected EAA's legal status. However, upon the receipt of strong protests over EAA's decision, it was fit and proper for HB to convey such protests to the relevant organization concerned i.e. the EAA in this case. Concerning the assignment of the responsibility of setting up a centralized databank, DS for H reiterated that the EAA was the appropriate body for this task. She added that the HB and EAA shared a common objective of improving supporting services to trade members.

25. Mrs Selina CHOW agreed with DS for H that referring the request of trade members to EAA did not mean that HB was intervening in EAA's work. She appreciated the efforts of the Buildings Department, the Rating and Valuation Department and the Land Registry in improving the efficiency of information retrieval for the benefit of the estate agency trade. She commented that with further enhancement by the three departments, the urgency of setting up a centralized databank should be reassessed taking into account its costs and benefits. In addition, she opined that it would be more cost effective for EAA to allocate more resources on the education and publicity for improvement of the services and professional standard of property agents, than to use the resources for taking legal proceedings against misconduct agents. CEO/EAA expressed support to this suggestion for allocation of resources.

26. In concluding, Mr Mike KOO expressed trade members' concern over the transparency of EAA. He said that at present, they had no information on the income and expenditure of the EAA though they were required to pay for its operation cost. He reiterated trade members'

request for the setting up of the centralized databank before the implementation of the Practice Regulation. Mr LUN Chi-yim informed members that he would provide the Panel with a supplementary submission on the impact of the implementation of the Practice Regulation on the trade after the meeting.

(Post-meeting note: the supplementary submission was circulated to members vide LC Paper No. CB(1)154/99-00 on 21 October 1999.)