

紀律研訊個案分享 -

在公眾地方以粗言穢語辱罵其他地產代理公司的從業員

Inquiry hearing case -

Scolding practitioners of another estate agency company with abusive and foul language in a public place

地產代理從業員之間的競爭一向都十分激烈，其中尤以工作於相鄰店舖者為甚。從業員應注意保持地產代理行業的公眾形象，保持互相尊重，避免於公眾地方及於客人面前以冒犯性的言辭互相爭辯。

一宗紀律研訊的案件涉及兩位受僱於兩間相鄰店舖的地產代理公司(甲公司及乙公司)的從業員。受僱於甲公司的從業員甲陪同兩位客人(“該客人”)視察一所物業之後，安排該客人視察另外一所物業。途中，從業員甲與該客人行經甲公司及乙公司店舖前的通道。當該客人在乙公司店前稍作停留並瀏覽櫥窗廣告時，乙公司的一名營業員(從業員乙)步出店舖外，試圖向該客人派發廣告單張，引起了從業員甲的不滿，兩者遂發生爭執，從業員乙更在該客人面前以粗言穢語辱罵從業員甲。

上述案件中的證據顯示有關的爭執是於公眾地方及於客人面前發生。從業員乙以粗言穢語辱罵從業員甲的行為，會令公眾以為地產代理欠缺基本禮貌，同業之間互不尊重，損害行業的公眾形象。紀律委員會認為，從業員乙沒有避免做出可能令地產代理行業信譽及/或名聲受損的行為，因而沒有遵守《操守守則》第3.7.2段，從業員乙的營業員牌照被暫時吊銷7天。

Competition amongst estate agency practitioners is always keen, in particular, for those working in the adjacent shops. Practitioners should pay attention to public image of the trade and mutual respect by avoiding offensive arguments in a public place and in the presence of clients.

In this inquiry hearing case, practitioners from two adjacent estate agency companies, Company A and Company B, were involved. The practitioner of Company A (Agent A) accompanied two prospective clients (“the Clients”) to view a property. After the viewing of that property, Agent A intended to arrange for the Clients to view another property nearby. On their way to that property, Agent A and the Clients passed by a common public area outside Company A and Company B. When the Clients briefly stopped outside Company B and looked at the advertisements on Company B’s shop window, a practitioner (Agent B) of Company B came out to approach the Clients and attempted to hand them some advertising leaflets. An argument between Agent A and Agent B thus ensued and then escalated. Agent B scolded Agent A with abusive and foul language in front of the Clients.

The evidence of the case revealed that the dispute took place in a public place and in the presence of the Clients. The abusive and foul language used by Agent B gave an unpleasant impression to the public that courtesy and mutual respect did not exist in the estate agency trade. The EAA Disciplinary Committee was of the view that Agent B had not complied with paragraph 3.7.2 of Code of Ethics, in that he had failed to avoid practice which might bring discredit and/or disrepute to the estate agency trade. Hence, Agent B’s salesperson’s licence was suspended for a period of seven days.