



## 紀律研訊個案一 對準買家使用粗鄙及具侮辱性的措辭

從業員在執業時應注意言行，倘若在與客人溝通時使用粗言穢語，非但不尊重客人，更會損害行業的公眾形象，並有可能被監管局紀律處分。

一名準買家在網站上看中一個物業廣告後，以電郵聯絡刊登該廣告的從業員，查詢有關物業資料並索取物業的照片。該從業員以電郵回覆並向準買家傳送了數張照片，但準買家希望從業員提供更多照片，始決定是否視察物業。從業員不但沒有依照準買家的要求回覆，並在電郵中使用了粗鄙及具侮辱性的措辭。準買家其後就該從業員的操守向監管局投訴。

監管局紀律委員會就個案進行紀律研訊。研訊中，該從業員承認曾對準買家使用粗鄙及具侮辱性的言辭，但不認為做法有問題，更反過來諉過於準買家，認為其要求無理及對他的專業侮辱。

委員會認為，該從業員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，未有遵守《操守守則》第3.7.2段的要求。考慮到該從業員對自己的違規行為毫無悔意，不明白自己的過失何在，紀律委員會決定譴責該名從業員及暫時吊銷其牌照一個月，並在其牌照上附加條件，要求他在12個月內取得持續專業進修計劃下核心科目的12個學分，其中一個科目必須是監管局舉辦，有關《操守守則》、執業通告及相關案例的核心科目。

## Disciplinary inquiry case – Using insulting and vulgar words in communication with a prospective purchaser

Practitioners' behaviour must be exemplary when on duty. Hence, using insulting and vulgar words when communicating with clients is not only disrespectful but also adversely affects the trade's public image. Such behaviour may be subject to disciplinary action by the EAA.

A prospective purchaser saw a property advertised by a practitioner on a website. He emailed the practitioner to ask for details and photos of the property. Although the practitioner provided a few photos in his reply, the prospective purchaser asked to see more before deciding whether to inspect the property. The practitioner in his next reply failed to comply with the request and wrote some insulting and vulgar words. The prospective purchaser lodged a complaint with the EAA regarding the practitioner's conduct.

The EAA Disciplinary Committee conducted an inquiry into the case. During the inquiry, the practitioner

admitted that he had used insulting and vulgar language in his communications with the prospective purchaser. However, he did not think that it was wrong and believed that the prospective purchaser's requests were unreasonable and an insult to his professionalism.

The Committee was of the view that the practitioner had failed to comply with paragraph 3.7.2 of the *Code of Ethics*, in that he did not avoid practice which may bring discredit and/or disrepute to the estate agency trade. Taking into consideration that the practitioner showed no remorse and did not understand his wrongdoing, the Disciplinary Committee decided to reprimand him and suspend his licence for one month. A condition was also attached to his licence, requiring him to obtain 12 points from the core subjects under the CPD Scheme within 12 months, and one of the subjects must be the core subject relating to *Code of Ethics*, practice circulars and case studies offered by the EAA.