



## 紀律研訊個案－在促成交易的過程中誤導準買家

持牌人參與物業銷售活動時，必須秉持誠實的態度向客戶提供服務，不可作出任何誤導準買家的陳述，否則可能會被監管局紀律處分。

一名準買家委託一名持牌人為其心儀的二手住宅單位進行洽購。不久後，該持牌人向準買家表示該單位已經售出，轉為向她推銷一個一手住宅樓盤。結果該準買家在該持牌人安排下簽署購買該一手住宅樓盤單位的臨時買賣合約。

其後，該準買家通過另一位持牌人得悉其本來心儀的二手住宅單位其實並未售出。該準買家遂向監管局投訴安排她購買一手樓的持牌人。

監管局紀律委員會認為，該持牌人未有秉持誠實的態度向客戶提供服務，因而沒有遵守《操守守則》第3.3.1段所述「地產代理和營業員在經營過程中，必須秉持誠實、忠誠和嚴正的態度向客戶提供服務。他們應保障客戶在地產交易中不因欺詐、失實陳述或不合專業操守的行為而受損」的守則。紀律委員會決定譴責該名持牌人及吊銷其牌照兩個月，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的12個核心科目學分。

## Disciplinary hearing case – Making misrepresentation when procuring a transaction

When participating in property sales activities, licensees must provide services to clients in an honest manner. They must not make any misrepresentation that may mislead prospective purchasers. Otherwise they may be subject to disciplinary action by the EAA.

Interested in a second-hand residential unit, a prospective purchaser appointed a licensee to approach the vendor concerned. Later, the licensee told the prospective purchaser that the unit had been sold and recommended a first-hand residential development to her instead. The licensee also arranged for the prospective to sign a provisional agreement for sale and purchase of a property in the development.

The prospective purchaser later discovered through another licensee that the second-hand unit that she was originally interested in had never been sold. She then lodged a complaint with the EAA against the licensee who persuaded her to buy the first-hand residential property.

The EAA Disciplinary Committee was of the view that the licensee did not provide a service to his client in an honest manner. He therefore did not comply with paragraph 3.3.1 of the Code of Ethics, which states that “estate agents and salespersons shall, in the course of business, provide services to clients with honesty, fidelity and integrity. They should protect their clients against fraud, misrepresentation or any unethical practices in connection with real estate transactions”. The Disciplinary Committee reprimanded the licensee and suspended his licence for two months. A condition was also attached to his licence, requiring the licensee to obtain 12 points in the core subjects of the CPD Scheme in 12 months.