

紀律研訊個案：在行車道上截車招攬生意

就着持牌人在一手樓盤銷售地點的秩序事宜，監管局曾發出執業通告(編號 10-02(CR))，為業界提供詳細指引。持牌人必須遵守相關指引，否則可能會被監管局紀律處分。

一名營業員在某新盤銷售處外的行車道上向行人招攬生意，並攔截一輛正前往該樓盤銷售處的計程車，向車上乘客推銷該一手樓盤。

監管局紀律委員會就該個案進行紀律研訊。委員會認為該營業員未有遵循執業通告中的指引，站在行車道上或攔截車輛，對駕駛人士和其他道路使用者構成危險，即

沒有遵守《操守守則》第3.2.1段：「地產代理和營業員應熟悉並必須在執業時遵守《地產代理條例》、其附屬法例、《操守守則》，以及由監管局不時發布的所有其他指引」的守則。因此，委員會決定訓誡該名營業員及罰款1,000元；同時在其牌照上附加條件，要求他在24個月內取得持續專業進修計劃下核心科目的18個學分。

至於負責監督該營業員的地產代理員工監督，以及僱用該營業員及員工監督的地產代理公司，因為未有妥善監督其前線員工，違反了《地產代理常規(一般責任及香港住宅物業)規例》第15條的規定，結果亦被譴責及分別罰款10,000元及35,000元。

Disciplinary hearing case: Intercepting cars on the road to solicit business

The EAA has issued a Practice Circular (No. 10-02(CR)) setting out detailed guidelines on maintaining good order at first sale sites. Licensees must comply with them or they might be subject to disciplinary action by the EAA.

A salesperson solicited business on the road outside a first sale site. He intercepted a taxi heading to the site and approached the passengers to market the property.

The EAA Disciplinary Committee conducted an inquiry hearing into the case. The Committee was of the view that the salesperson had not complied with the guidelines in the Practice Circular, as he stood on the carriageway to intercept vehicles, endangering his own safety and the safety of drivers and other road users. He failed to comply with paragraph 3.2.1 of the *Code of Ethics*: “estate agents and salesperson should be fully conversant

with the Estate Agents Ordinance, its subsidiary legislation, *Code of Ethics*, and other guidelines issued by the EAA from time to time and shall observe and comply with them in the course of their practice”. As a result, the salesperson was admonished and fined \$1,000. A condition was also attached to his licence, requiring him to obtain 18 points in the core subjects of the CPD Scheme in 24 months.

As to the controller, who was responsible for overseeing the salesperson concerned at the first sale site, as well as the estate agency company employing both the salesperson and the controller, they did not supervise their frontline staff properly and thus were in breach of section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation. They were reprimanded and fined \$10,000 and \$35,000 respectively.