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INTEGRITY IN FOCUS

紀律研訊個案： 干擾車輛及妨礙駕駛者 DISCIPLINARY HEARING CASE: INTERCEPTING VEHICLES AND DISTRACTING DRIVERS



引言

持牌人於一手住宅樓盤銷售處進行推廣活動時，應保持良好秩序，包括不得作出對駕駛人士或其他道路使用者構成危險的行為，否則有可能被監管局紀律處分。

INTRODUCTION

Licensees should maintain good order in first-sale sites when carrying out promotional activities, including not committing behavior which may endanger the safety of drivers and other road users. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局職員駕車前往某一手樓盤銷售處巡查時，發現一名營業員站在附近的行車道上向途經的駕駛車輛的人士揮動該樓盤的宣傳物品以招攬生意。當監管局職員停車時，該營業員隨即跑至車旁，遞上該樓盤的宣傳物品及表示可為他們介紹該新樓盤。

INCIDENT

EAA staff discovered a salesperson standing on the road when they drove to the first-sale site of a development for inspection. The salesperson was soliciting business by waving the promotional materials of that new development to the drivers of the vehicles passing by. When the EAA staff pulled over, that salesperson rushed to the car and handed over the promotional materials, claiming that he could introduce them to the new development.

研訊結果

監管局紀律委員會認為該營業員站在行車道上或攔截車輛，會對駕駛人士和其他道路使用者構成危險，而且揮動宣傳單張吸引駕駛人士，屬於可能干擾前往或路經該一手樓盤銷售點的駕駛人士的行為，故該營業員未有遵循執業通告中的指引，因而違反《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、本操守守則，以及由監管局不時發布的所有其他指引。」

在考慮個案的性質後，紀律委員會決定譴責該名營業員、罰款港幣2,000元及暫時吊銷其牌照14天；同時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。

RESULT

The EAA Disciplinary Committee was of the view that the salesperson failed to comply with the guidelines of the related Practice Circular by standing on the carriageway or intercepting vehicles, which endangered the safety of drivers and other road users. He also distracted drivers heading for or passing by the first-sale site by waving promotional leaflets to beckon the drivers of the vehicles. Therefore, he was in breach of paragraph 3.2.1 of the *Code of Ethics* which states: “estate agents and salespersons should be fully conversant with the EAO, its subsidiary legislation, this 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”.

Having considered the nature of the case, the Disciplinary Committee decided to reprimand the salesperson, impose a fine of \$2,000, suspend his licence for 14 days, and attach a condition to his licence requiring him to obtain 12 points in the core subjects of the CPD Scheme in 12 months.



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業界回應

監管局及業界團體多年來一直透過各種方法，提升地產代理及營業員的專業水平，及為業界建立一個正面的專業形象。個別行家以人海戰術方式在馬路上截車搶客，此等違規行為實在有損業界的專業形象。在此僧多粥少、生意難做的惡劣環境下，生存之道在於優質專業服務。

COMMENT FROM TRADE

The EAA and trade associations strive to enhance the professional standard of estate agency practitioners through various means over the years, with the aim to develop a positive image of the trade. However, such professional image is damaged by individual practitioners who intercept cars and solicit business on the road. Providing quality services is the way to survive under the present competitive business environment.

紀律研訊個案：未能兌現現金回贈承諾

DISCIPLINARY HEARING CASE: FAILING TO HONOUR PROMISE OF CASH REBATE

引言

持牌人須履行向客戶許下的優惠承諾，否則有可能被監管局紀律處分。

INTRODUCTION

Licensees should honour the incentives they promised their clients. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名買家透過一名營業員購買一個一手住宅物業單位。在訂立臨時買賣協議（「臨約」）前，該營業員聲稱當買家的單位入伙後，他們便會提供相等於樓價2%的現金回贈給她。

訂立臨約後，該營業員給買家一份現金回贈確認表格，表格由該營業員即場填寫並註明現金回贈金額。填妥後，他指示另一營業員在表格上簽署。該名買家繼而簽署表格並取得表格副本。

一年後，該買家收樓後遷入上述單位，並向該營業員索取該筆現金回贈，但該營業員及另一簽署了該現金回贈確認表格的營業員均一直沒有回覆。該買家曾就現金回贈一事向他們的主管查詢，亦不獲回覆。該買家深感不滿，遂向監管局投訴。

INCIDENT

A purchaser purchased a first-hand residential property through a salesperson. Before signing the provisional agreement for sale and purchase ("PASP"), the salesperson promised that a cash rebate of 2% of the property price would be offered to the purchaser upon completion of the property.

After entering into the PASP, the salesperson filled in and passed to the purchaser a cash rebate confirmation form which stated the amount of cash rebate and was signed by another salesperson. The purchaser then signed the form and the salesperson provided her a copy of it.

One year later, after the completion of the sale and purchase, the purchaser moved into the property and asked the salespersons for the rebate. However, no reply was received from the salespersons. In light of the salespersons' reluctance to respond, the purchaser made enquiry to their supervisor but still received no reply. Feeling aggrieved, the purchaser lodged a complaint with the EAA.