



地產代理人員協會副主席
蕭亮鴻先生
Mr Keith Siu
Vice-Chairman of Property
Agents Association

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.

研訊結果

監管局紀律委員會認為，該營業員未有兌現向買家提供現金回贈的承諾，因而違反了《操守守則》第3.7.2段：「地產代理和營業員應避免做出可能令地產代理行業信譽及/或名聲受損的行為。」

在考慮個案的性質及持牌人的違規紀錄後，委員會決定譴責該名營業員、罰款港幣10,000元，以及暫時吊銷其牌照一個月；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 found that the salesperson had failed to honour the promise of cash rebate made to the purchaser. He was in breach of paragraph 3.7.2 of the *Code of Ethics*, which stipulates that “Estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade.”

Having considered the nature and gravity of the case and the disciplinary record of the salesperson, the Disciplinary Committee decided to reprimand him, suspend his licence for one month and impose on him a fine of \$10,000. A condition was also attached to his licence, requiring him to obtain 12 points in the core subjects of the CPD Scheme in 12 months.



香港地產代理商總會副主席
陳炳才先生

Mr Johnny Chan
Vice-Chairman of Hong Kong
Real Estate Agencies
General Association

業界回應

地產代理應秉持誠實守諾的態度向客戶提供物業交易的周全服務，既然該營業員在交易時作出現金回贈承諾，並且即時與客戶簽署現金回贈確認文件，該營業員必須履行對客戶之承諾。

該營業員違背承諾的行為，除影響其個人信譽及名聲，更會令業界的專業形象受損。

COMMENT FROM TRADE

Estate agents should be honest and keep their promises when providing a wide array of services for clients in property transactions. As the salesperson in the case had promised his client a cash rebate and he had also signed the cash rebate confirmation form with his client, he should honour his promise to his client.

The behaviour of this salesperson not only injured his personal reputation but also damaged the professional image of the estate agency trade.