



地產代理(從業員)
總會主席吳元興先生
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Chairman of Estate
Agent Association

業界回應 COMMENT FROM TRADE

地產代理接受客戶的放盤委託後，必須查閱土地查冊，查清物業資料；當買家客戶視察物業時，我們必須披露物業資料及單位現有狀況，如是否有僭建物的存在及其相關的風險，並提醒客戶在決定購買前先向專業人士諮詢購買物業的法律意見。

After being appointed to handle the sale of the property, estate agents should conduct a land search and verify the property information. During purchaser client's inspection of the property, we should inform the client of the property information and the current situation of the property, such as whether there is any unauthorised building works and the risks involved, and remind the client to seek legal advice before purchasing that property.

紀律研訊個案：銷售一手住宅物業時作出失實陳述 DISCIPLINARY HEARING CASE: MISREPRESENTATION IN FIRST SALE OF RESIDENTIAL PROPERTY

引言

持牌人在銷售一手住宅物業時，不得向客戶作出任何失實陳述，否則有可能被監管局紀律處分。

INTRODUCTION

Licensees should not make any misrepresentation to clients in the sale of first-hand residential properties. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名營業員安排一位準買家及其未婚夫視察一個一手住宅物業的示範單位。當商討有關遞交該樓盤的購樓意向登記事宜時，該營業員向準買家表示，因她與其未婚夫仍未結婚，他們必須各自遞交購樓意向登記。同時，他們也不能聯名購買有關單位。

其後，該買家於律師樓訂立正式買賣協議時，要求律師加入其未婚夫的名字。經律師提醒，買家才發現該營業員的陳述並不正確。該樓盤的賣方沒有限制一對未婚夫婦不能以聯名方式遞交該樓盤的購樓意向登記。該準買家不滿被營業員誤導，遂向監管局作出投訴。

INCIDENT

A salesperson arranged for a prospective purchaser and her fiancé to inspect a show flat of a first-hand residential development. When discussing the submission of registrations of intent of that development, the salesperson told the purchaser that she and her fiancé had to submit separate registrations of intent since they had not yet married. Also, she said that they could not purchase the property in joint names.

Later, when the purchaser entered into an agreement of sale and purchase of a property of that development, she requested the solicitor to include the name of her fiancé into the formal agreement. Through the solicitor, she discovered that the representation made by the salesperson was not true. According to the vendor of the development, there was no restriction on unmarried couples submitting registrations of intent in joint names. Feeling misled by the salesperson, the purchaser lodged a complaint with the EAA.

研訊結果

監管局紀律委員會認為，該營業員就遞交購樓意向登記一事上對客戶作出失實陳述，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。」

考慮到個案的性質、該營業員的違規紀錄及同類個案的罰則，委員會決定譴責該名營業員，罰款3,000元，並在其牌照上附加條件，要求她在12個月內取得持續專業進修計劃下的12個學分。

RESULT

The EAA Disciplinary Committee found that the salesperson had made a misrepresentation to the client on the submission of registration of intent. Thus, she was in breach of paragraph 3.7.2 of the *Code of Ethics* issued by the EAA, which stipulates: “estate agents and salespersons should avoid any practice which may bring discredit and/or dispute to the estate agency trade”.

Having considered the nature and gravity of the case and the disciplinary record of the salesperson, the Committee decided to reprimand the salesperson, fine her \$3,000 and attach conditions to her licence requiring her to obtain 12 points under the EAA’s Continuing Professional Development Scheme in 12 months.



地產代理人協會主席
何潔芝女士
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業界回應 COMMENT FROM TRADE

作為專業地產代理，除了要有一定的專業知識外，亦要持守着嚴謹的專業操守。地產代理即使在行內如何經驗豐富或知識廣博，亦總有遇上自己不懂解決的難題的時候，遇到不懂回答的問題時，若是不知道或不懂的，就直言不諱，然後向人虛心下問。不論是初入行或是有經驗的同業們，應該持續報讀由地產代理監管局或公司內部舉辦的各種持續進修課程。因為時代不斷進步，要不斷為自己增值，才不會被社會所淘汰。

Being a professional estate agent, he should uphold high moral standards as well as possessing professional knowledge and competence. Even when estate agents are experienced or knowledgeable, they will encounter difficult problems or issues. When they do not have the answers to the questions, they should be honest and humbly ask others for advice. Both newcomers and experienced practitioners should participate in training programmes organised by the EAA or their estate agency company in order to cope with the ever changing market.

