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Integrity in Focus

紀律研訊個案 Disciplinary hearing case

不可向準買家提供或提出提供貸款

Must not offer or make loans to a prospective purchaser

引言

持牌人在參與一手住宅物業銷售時，不得向準買家提供或提出提供貸款，不論是否用以游說準買家簽訂臨時合約或作任何其他用途，否則有可能被監管局紀律處分。

Introduction

Licensees must not offer or make loans to a prospective purchaser of first-hand residential properties, no matter whether in order to persuade a prospective purchaser to enter into the Preliminary Agreement for Sale and Purchase, or for any other purpose. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名地產代理營業員與其同事安排兩名準買家視察某一手住宅樓盤的示範單位。在視察期間，該名營業員向準買家表示，可在其沒有支付任何款項的情況下向其提供 200,000 元的本票以供遞交購樓意向登記之用。那兩名準買家其實是監管局職員，其後向該名營業員表露其身份。

Incident

A salesperson and her colleague arranged for two prospective purchasers to view a show flat of a first hand residential development. During the viewing of the show flat, the salesperson told the prospective purchasers that a cashier order in the sum of \$200,000 could be arranged for them to submit a registration of intent and they did not have to provide money on the spot in exchange for the cashier order. The prospective purchasers were actually EAA staff and identified themselves to the salesperson subsequently.

研訊結果

監管局紀律委員會認為該營業員違反了執業通告（編號 13-04 (CR)）的指引及監管局發出的《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。」

Result

The EAA Disciplinary Committee found that the salesperson failed to comply with the guidelines set out in Practice Circular No. 13-04(CR) and thus were in breach of paragraph 3.2.1 of the *Code of Ethics* issued by the EAA, which stipulates: “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.”

考慮到個案的性質及該營業員的違規紀錄，委員會決定譴責該名營業員、罰款 10,000 元、暫時吊銷其牌照 7 日，並在其牌照上附加條件，要求她取得持續專業進修計劃下的 12 個學分。

Having considered the nature and gravity of the case, and the disciplinary record of the salesperson, the Committee decided to reprimand her, impose on her a fine of \$10,000 and suspend her licence for seven days. A condition was also attached to her licence requiring her to obtain 12 points under the EAA’s Continuing Professional Development Scheme.



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業界回應 Comment from trade

代理有責任向客人提供專業的服務及保障客人的利益。當中包括向客人提供足夠及準確的物業資訊，亦要向客人清楚講解買賣的手續，財務安排事宜及風險。不應只顧佣金而不斷催促客人簽署臨時買賣合約，更不應向準買家提供貸款以繳付訂金。買家一旦簽了合約就不能取消，若買家因一時衝動作了錯誤決定而最終未能完成交易，所有訂金都會化為烏有。

Estate agents should provide a professional service to clients and protect their interests by providing them with accurate property information, clearly explaining the procedures, the financial arrangements and the potential risks of any transaction. They should not, for the sake of a commission, urge clients to enter into a provisional agreement for sale and purchase ("PASP"), or even offer loan(s) to prospective purchasers for the payment of a deposit. A PASP cannot be cancelled once it has been signed. If a purchaser rushes into a wrong decision and does not complete the transaction, they would have to forfeit their deposit.

紀律研訊個案 Disciplinary hearing case

銷售一手住宅物業的違規行為 Non-compliance in the sale of first-hand residential properties

引言

持牌人在參與一手住宅物業銷售時應遵守監管局的指引，並在樓盤銷售點保持良好的秩序，否則有可能被監管局紀律處分。

Introduction

Licensees should maintain good order at first-sale sites and comply with the guidelines issued by the EAA when participating in the promotional activities of first-hand residential properties. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局職員在一個新住宅發展項目的銷售點進行巡查時，發現一名男子手持該項目的宣傳單張在行車道上招攬生意。

當監管局職員乘坐的車輛駛近時，該名男子衝向該汽車，並詢問車上的其中一名職員有否興趣參觀示範單位。該名男子原來是一名持牌營業員，但他當時並沒有佩戴地產代理證及/或職員證，其後在監管局職員的要求下才展示其地產代理證。

Incident

During a patrol operation at the first-sale site of a new residential development, EAA staff discovered a man standing on the carriageway soliciting business with promotional leaflets of that development in hand.

When the EAA's car approached, he rushed to the car and asked one of the EAA's staff in the car whether he was interested to have a viewing of the show flat. The man, who was not wearing an estate agent card and/or a staff card at that time, was later found out to be a licensed salesperson. He only showed the EAA staff the estate agent card after he was requested to do so.