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Integrity in Focus

紀律研訊個案 Disciplinary hearing case

於電燈柱上張貼海報 Affixing poster on a lamp post

引言

持牌人不可在未經許可下於公眾場所張貼廣告招貼或海報，這行為不但有可能觸犯《公眾衛生及市政條例》，更會對行人及其他道路使用者造成滋擾。這違規行為會導致被監管局紀律處分。

Introduction

Licensees must not affix advertising bills or posters in public places without the requisite permission as this might not only be in breach of the Public Health and Municipal Services Ordinance, it may also cause annoyance to pedestrians and other road users. Such non-compliance may lead to disciplinary action by the EAA.

事件經過

在巡查期間，兩名監管局職員發現一枝電燈柱上張貼了一則二手住宅物業的廣告，該廣告的尺寸約為長 75 厘米、闊 45 厘米。

Incident

During an inspection, two EAA staff found an advertisement for a second-hand residential property affixed to a lamp post which was 75cm in length and 45cm in width.

由於廣告刊登了物業的售價及聯絡電話，監管局職員遂致電該聯絡電話調查。當得知該在未經許可下於公眾場所張貼廣告的違規行為被監管局發現後，該營業員最終承認該則廣告是他在未有通知其上司或取得其所屬地產代理公司的同意的情况下擅自張貼的。



As both the property selling price and a contact phone number were found on the advertisement, the EAA staff then called the contact person to investigate the suspected breach. After realising that his unpermitted posting of the advertisement was discovered by the EAA, the salesperson admitted that the advertisement was posted by himself without informing his supervisor or seeking the consent of the company he worked for.

研訊結果

監管局紀律委員會認為，該名營業員於電燈柱上張貼廣告，對他人構成滋擾，同時令地產代理行業聲譽受損，違反了《操守守則》第 3.7.2 段，即「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」。

考慮到個案的性質及該營業員的違規紀錄，紀律委員會決定譴責該名營業員，並向其罰款 1,500 元。

Result

The EAA Disciplinary Committee was of the view that the salesperson affixed an advertisement on a lamp post, which may cause annoyance to others and bring disrepute to the trade. He was in breach of paragraph 3.7.2 of the *Code of Ethics*, which stipulates: “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 Committee decided to reprimand the salesperson and impose a fine of \$1,500.



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業界意見 Comment from trade

持牌地產代理在處理及刊登廣告時須遵守《地產代理條例》及監管局發出的執業通告的指引。倘若從業員沒有依循相關條例而擅自在電燈柱上刊登廣告，已屬違規。而在電燈柱上刊登廣告，不單影響市容，更有機會令途人或駕駛人士分心，所以業界應該秉持專業操守，切勿違規。

Licensed estate agents must comply with the Estate Agents Ordinance and the guidelines in the practice circulars issued by the EAA. Practitioners are in breach of the regulations if they post advertisements on lamp posts without the requisite permission. Such advertisements could distract both pedestrians and drivers. Hence, the trade should uphold their professional standards and be compliant.