

誠信與你

Integrity in Focus

暫時吊銷牌照期間從事地產代理工作

Conducting estate agency work after a licence has been suspended

引言

持牌人在停牌期間不得從事地產代理工作，否則會被視為無牌從事地產代理工作而被轉介警方處理及留有案底，而監管局牌照委員會亦有可能採取跟進行動。

Introduction

Licencees must not conduct any estate agency work after their licence has been suspended. If they do so it will be regarded as practising unlicensed estate agency work and such an offence will be referred to the police which may result in a criminal conviction. In addition, the Licensing Committee of the EAA may also investigate the case.

事件經過

一名營業員在處理一宗住宅物業交易期間，在買賣雙方還未就樓價達成協議的情況下，安排買家先行簽署一份漏空樓價資料的臨約，並向買家表示他可成功游說賣方以買家心目中的價格出售該物業。及後，買家發現該營業員在未經他同意下，擅自在臨約的樓價一欄填上 1,200 萬元。買家最終停止兌現該支票，同時向監管局投訴。結果，該營業員被譴責、罰款 10,000 元、暫時吊銷其牌照 28 天及附加條件於其牌照上。

其後，監管局接獲舉報，指該名營業員在停牌期間從事地產代理工作。監管局職員遂喬裝成客戶與該營業員接觸，並要求該營業員安排視察一個住宅物業。

Incident

A salesperson handled a transaction for a residential property. He arranged for the purchaser to sign a PASP with the property price left blank as the vendor and the purchaser had not yet reached an agreement on the property price. He told the purchaser that he could persuade the vendor to sell the property at the price the purchaser favoured. Later, the purchaser discovered that the salesperson had filled in the PASP with a property price of \$12,000,000 without seeking his consent. The purchaser cancelled the cheque and lodged a complaint with the EAA. As a result, the salesperson was reprimanded and fined \$10,000. His licence was suspended for 28 days with a condition attached.

Soon after the EAA received a report claiming that the salesperson was practising estate agency work during the suspension period of his licence. Therefore, an EAA staff pretended to be a client and contacted the salesperson asking for an appointment to view a residential property.

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在視察物業後，監管局職員向營業員表露其真正身分。營業員最終向監管局職員承認無牌從事地產代理工作。監管局其後將該個案轉介警方跟進，結果該營業員被檢控，並於法庭認罪，最終被判罰款 3,000 元及留有案底。

After viewing of the property, the salesperson admitted practising unlicensed estate agency work when he revealed that the client was the EAA staff. The EAA then referred the case to the police. The salesperson was finally charged by the police, fined \$3,000 and received a criminal record.



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業界意見 Comment from trade

當事人理應在停牌期間好好自我反省；奈何他並沒吸取教訓，反而以身試法，最後更被定罪。雖然判罰金額輕微，但卻換來刑事案底。身為專業地產代理，必須要熟識及嚴格遵守地產代理條例和操守守則，切勿掉以輕心。

The salesperson should have reflected on his behaviour during the suspension period. However, as the amount of the fine was insignificant, the salesperson did not learn his lesson and went on to violate the law, which resulted in a criminal conviction. As a professional estate agent, one should be familiar with the Estate Agents Ordinance and the *Code of Ethics*. One should also be compliant and avoid violating the law.

