



## 紀律研訊個案 Disciplinary hearing case

### 沒管有物業的訂明資料

### Failing to possess the prescribed information in relation to the property

#### 引言

持牌人須向客戶提供準確及最新的物業資料，並且管有住宅物業的訂明資料，否則有可能被監管局紀律處分。

#### Introduction

Licencees should provide accurate and up-to-date property information to their clients and possess the prescribed information in relation to the residential property. Otherwise, they may be subject to disciplinary action by the EAA.

#### 事件經過

在巡查期間，監管局要求一間地產代理公司就其張貼於櫥窗上的一則住宅物業廣告提供訂明文件。然而，該地產代理公司只提供了相關的地產代理協議及差餉物業估價署「物業資訊網」的查冊記錄，但未能提供相關的土地查冊。

該公司的董事解釋，其員工忘記在地產代理協議有效期間開始當日，就該物業進行土地查冊。

#### Incident

During an inspection, an estate agency company was requested by the EAA to provide the prescribed information of a residential property being advertised in the shop window. However, the estate agency company could only provide the estate agency agreement and the property information from the Rating and Valuation Department, but failed to provide the land search record.

The director of the company explained that their staff forgot to carry out a land search of the property on the commencement date of the validity period of the estate agency agreement.

#### 研訊結果

監管局紀律委員會認為，該地產代理公司與物業的賣方訂立地產代理協議，並為賣方行事，惟該公司卻沒管有相關物業的資料，如註冊於土地查冊處的當時擁有權及有效的產權負擔、政府租契等資料，因而違反了《地產代理條例》第36(1)(a)(i)條，即「如持牌地產代理代

#### Result

The EAA Disciplinary Committee was of the view that the estate agency company had entered into an estate agency agreement with the vendor and acted for the vendor. However, it failed to possess the property information, such as the current ownership, subsisting encumbrances and Government lease, as registered in the Land Registry. Therefore, the company was in breach of section 36(1)(a)(i) of the Estate Agents Ordinance which stipulates that "if a licensed estate agent acts for the

表賣方行事並與其訂立地產代理協議，他必須管有或控制某些訂明的物業資料。」

考慮到個案的性質、類似個案的罰則，以及該地產代理公司的違規紀錄，紀律委員會決定譴責該公司、並向其罰款25,000元。

*vendor and has entered into an estate agency agreement with him, he is required to have in his possession or control certain prescribed property information.”*

Having considered the nature and gravity of the case and the disciplinary record of the estate agency company, the Disciplinary Committee decided to reprimand the company, and impose a fine of \$25,000.



吳元興先生  
地產代理（從業員）總公會主席  
**Mr Evan Ng**  
Chairman of Estate Agent Association

### 業界意見 Comment from trade

部分從業員可能過分依賴公司的內部資訊，而忽略了須從訂明來源取得相關資料的必要。地產代理公司的管理層可鼓勵員工參與持續專業進修活動，以熟習基本執業要求，避免再次違規。

Some practitioners may rely too much on their company's internal information and fail to obtain the relevant information from the prescribed source. Management of estate agency companies should encourage their staff to participate in the Continuing Professional Development activities to familiarise themselves with the basic practice requirements to prevent them from breaking the rules again.

## 紀律研訊個案 Disciplinary hearing case

### 未有在物業廣告中述明物業編號、廣告日期及實用面積 Failing to state the Property Number, advertisement date and saleable area on the property advertisement

#### 引言

地產代理公司在發布物業廣告時，必須清楚述明該物業的編號及發出廣告的日期。於住宅物業廣告中提供的樓面面積資訊，應是從差餉物業估價署取得或首次轉讓的買賣協議中述明之實用面積資料，否則有可能被監管局紀律處分。

#### Introduction

When issuing property advertisements, estate agency companies must state clearly and legibly the Property Number(s) of the properties advertised and the date on which the advertisements are issued; and if the floor area information of the residential property is mentioned, they should provide the saleable area information obtained from the Rating and Valuation Department (“RVD”) or as stipulated in the agreement for sale and purchase of the first assignment of the property (“First Agreement”). Otherwise, they may be subject to disciplinary action by the EAA.

#### 事件經過

監管局接獲投訴，指某地產代理公司未有在其物業廣告中清楚述明物業編號及發出廣告

#### Incident

The EAA received a complaint claiming that an estate agency company did not state clearly and legibly the property number and the advertisement