

## 紀律處分 Disciplinary actions (1/9/2011 – 30/9/2011)

地產代理監管局（「監管局」）紀律委員會根據《地產代理條例》（第 511 章）第 30(1)條對下述持牌人行使了紀律制裁權：

The Disciplinary Committee of Estate Agents Authority (“EAA”) has exercised its disciplinary powers under section 30(1) of the Estate Agents Ordinance (Chapter 511) against the following licensees:

持牌人 (牌照號碼) Licensee (Licence no.)	有關事項 Matters concerned	紀律處分 Disciplinary actions
區敏嫻 Au Man Han  S-096417	沒有遵守《操守守則》第 3.4.1 段 – 未有提醒買方關於賣方並非有關物業的法定擁有人，及賣方仍未與有關物業的現時業主完成有關物業交易，因此向賣方購買有關物業存在風險 Failure to comply with paragraph 3.4.1 of the Code of Ethics – failure to advise the purchaser that the vendor was not the legal owner of the property, and of the risk of purchasing the property from the vendor who had yet to complete the sale and purchase of the property with the current owner	譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)
迦南地產代理有限公司 Cannan Property Agency Limited  C-040676	違反《常規規例》第 9(2)條 – 沒有在發出住宅物業廣告之前，取得賣方的書面同意 Breach of section 9(2) of the Practice Regulation – failure to obtain the vendor's written consent prior to the issue of an advertisement in respect of the vendor's residential property	譴責 Reprimand
陳俊傑 Chan Chun Kit  E-108419	不符合《條例》第 19(1)(c)條內有關適當人選的規定 – 在安排賣方訂立臨時買賣合約前，沒有向賣方披露買方是他的弟弟 Failure to comply with the “fit and proper person” requirement under section 19(1)(c) of the EAO – failure to disclose to the vendor, before arranging for the vendor to enter into the provisional agreement for sale and purchase, that the purchaser was his brother	暫時吊銷牌照 (5/11/2011 – 18/11/2011) (*見註 1) Suspension of licence (5/11/2011 – 18/11/2011) (*see Note 1)
陳振裕 Chan Chun Yue  E-003677	沒有遵守《操守守則》第 3.4.1 段 – 未經業主的同意，在租約加上額外條款，因而沒有保障客戶的利益 Failure to comply with paragraph 3.4.1 of the Code of Ethics – failure to protect client's interest as he failed to obtain the landlord's consent before inserting an additional clause into the tenancy agreement	暫時吊銷牌照 (20/10/2011 – 2/11/2011) (*見註 1)及罰款\$5,000 Suspension of licence (20/10/2011 – 2/11/2011) (*see Note 1) and fine \$5,000

持牌人 (牌照號碼) Licensee (Licence no.)	有關事項 Matters concerned	紀律處分 Disciplinary actions
陳篤初，天毅置業合夥人 Chan Tuk Chor, partner of Sky Like Property  E-098529	違反《常規規例》第 6(2)(b)條 – 沒有在安 排買方簽署臨時買賣合約前，與買方訂立地 產代理協議 Breach of section 6(2)(b) of the Practice Regulation – failure to enter into an estate agency agreement with the purchaser prior to the signing of the provisional agreement for sale and purchase	譴責 Reprimand
謝燕雲 Che In Van  S-066002	1. 違反《常規規例》第 13(4)條 – 沒有在 緊接臨時租約訂立前，就該物業安排在 土地註冊處進行查冊，並向租客提供一 份該物業的土地查冊結果的文本 Breach of section 13(4) of the Practice Regulation – failure to carry out a land search in the Land Registry in respect of the property and supply a copy of the land search to the tenant of the property immediately before a provisional tenancy agreement was entered into 2. 沒有遵守《操守守則》第 3.5.1 段 – 沒 有確保已按照出租資料表格(表格 2)內 所指定的指引及指示填寫 Failure to comply with paragraph 3.5.1 of the Code of Ethics – failure to ensure that the leasing information form (Form 2) had been completed in accordance with the directions and instructions as specified in the form	1. 譴責、罰款\$2,000 及在牌照上附 加條件 (指明持牌人須取得監管 局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand, fine \$2,000 and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2) 2. 譴責及在牌照上附加條件 (指明 持牌人須取得監管局的持續專 業進修計劃下的 12 個學分) (*見 註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)
章文珍 Cheung Man Chun  E-112447	沒有遵守《操守守則》第 3.5.1 段 – 未有 盡量小心和盡一切應盡的努力，查核有關客 戶查詢的物業資料，便安排買賣雙方訂立臨 時買賣合約 Failure to comply with paragraph 3.5.1 of the Code of Ethics – failure to exercise due care and due diligence to ascertain the property information which the client had enquired before arranging for the parties to sign the provisional agreement for sale and purchase	譴責及在牌照上附加條件 (指明持 牌人須取得監管局的持續專業進修 計劃下的 12 個學分) (*見註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)

持牌人 (牌照號碼) Licensee (Licence no.)	有關事項 Matters concerned	紀律處分 Disciplinary actions
張蘇文 Cheung So Man  E-070563	沒有遵守《操守守則》第 3.5.1 段 – 在向賣方轉述由準買方提供有關物業的估價資訊前，沒有採取適當步驟以確保有關資訊的準確性 Failure to comply with paragraph 3.5.1 of the Code of Ethics – failure to take reasonable steps to ascertain the accuracy of the information on the valuation of the property provided by the potential purchaser, before conveying the same to the vendor	譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)
周蕙萱以萊德物業公司名稱經營 Chow Wai Suen Becky trading as Loy Tak Properties  E-038549	違反《常規規例》第 9(2)條 – 沒有在發出住宅物業廣告之前，取得賣方的書面同意 Breach of section 9(2) of the Practice Regulation – failure to obtain the vendor's written consent prior to the issue of an advertisement in respect of the vendor's residential property	譴責及罰款\$10,000 Reprimand and fine \$10,000
何弘 He Hong  S-333589	沒有遵守《操守守則》第 3.4.1 段 – 未有提醒租客應就有關物業曾遭改建會否影響小食店牌照的申請尋求專業意見 Failure to comply with paragraph 3.4.1 of the Code of Ethics – failure to advise the tenant to seek professional advice on the feasibility of obtaining the requisite licence for the operation of the cooked food stall business at the property, which had alteration works	譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)
何倩儀 Ho Sin Yee  S-264318	沒有遵守《操守守則》第 3.5.1 段 – 在安排賣方公司的代表簽署物業的臨時買賣合約前，沒有就該公司進行最新的公司查冊以確定該簽約代表的身份 Failure to comply with paragraph 3.5.1 of the Code of Ethics – failure to conduct an up-to-date company search to ascertain the capacity of the representative signing the provisional agreement for sale and purchase (PASP) for and on behalf of the corporate vendor before the PASP was signed by the representative	譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)

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鴻記有限公司以鴻記地產 名稱經營 Honour Management Services Limited trading as Hung Kee Real Estate Agency Co  C-025711	<ol style="list-style-type: none"> <li>1. 違反《條例》第 36(1)(a)(i)條 – 沒有在代賣方行事的期間，管有或控制該物業的訂明資料 Breach of section 36(1)(a)(i) of the EAO – failure to have in its possession or under its control information prescribed in relation to the property when acting for the vendor</li> <li>2. (同上) (Same as the above)</li> <li>3. 違反《常規規例》第 9(1)條 – 發出在要項上屬虛假或具誤導性陳述或詳情的廣告 Breach of section 9(1) of the Practice Regulation – issuing an advertisement which included statement or particular that was false or misleading in a material particular</li> <li>4. (同上) (Same as the above)</li> </ol>	<ol style="list-style-type: none"> <li>1. 譴責 Reprimand</li> <li>2. 譴責 Reprimand</li> <li>3. 譴責及罰款\$1,000 Reprimand and fine \$1,000</li> <li>4. 譴責及罰款\$1,000 Reprimand and fine \$1,000</li> </ol>
嘉興地產有限公司 Ka Hing Properties Co., Limited  C-014170	違反《常規規例》第 6(1)(a)條 – 沒有在接受出售有關物業的指示後 7 個工作天內與賣方訂立地產代理協議 Breach of section 6(1)(a) of the Practice Regulation – failure to enter into an estate agency agreement with the vendor within 7 working days after accepting an instruction to sell the property concerned	譴責及罰款\$1,000 Reprimand and fine \$1,000

持牌人 (牌照號碼) Licensee (Licence no.)	有關事項 Matters concerned	紀律處分 Disciplinary actions
黎小華 Lai Shiu Wah  E-128882	<ol style="list-style-type: none"> <li>1. 違反《常規規例》第 13(4)條 – 沒有在緊接臨時買賣合約訂立前，就該物業安排在土地註冊處進行查冊，並向買方提供一份該物業的土地查冊結果的文本 Breach of section 13(4) of the Practice Regulation – failure to carry out a land search in the Land Registry in respect of the property and supply a copy of the land search to the purchaser of the property immediately before a provisional agreement for sale and purchase was entered into</li> <li>2. 沒有遵守《操守守則》第 3.2.1 段 – 未有提醒買方關於購買附有違例建築工程物業的風險 Failure to comply with paragraph 3.2.1 of the Code of Ethics – failure to advise the purchaser of the risks involved in purchasing a property with unauthorized building works</li> </ol>	<ol style="list-style-type: none"> <li>1. 譴責、罰款\$2,000 及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand, fine \$2,000 and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)</li> <li>2. 譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)</li> </ol>
林慧瑜，利昇物業代理有限公司合夥人 Lam Wai Yu, partner of Lee Sing Property Agency Co.  E-048968	違反《常規規例》第 13(4)條 – 沒有在緊接臨時買賣合約訂立前，就該物業安排在土地註冊處進行查冊，並向買方提供一份該物業的土地查冊結果的文本 Breach of section 13(4) of the Practice Regulation – failure to carry out a land search in the Land Registry in respect of the property and supply a copy of the land search to the purchaser of the property immediately before a provisional agreement for sale and purchase was entered into	譴責、罰款\$1,000 及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand, fine \$1,000 and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)

持牌人 (牌照號碼) Licensee (Licence no.)	有關事項 Matters concerned	紀律處分 Disciplinary actions
劉寶僑，天毅置業合夥人 Lau Po Kiu, partner of Sky Like Property  E-196676	違反《常規規例》第 6(2)(b)條 – 沒有在安排買方簽署臨時買賣合約前，與買方訂立地產代理協議 Breach of section 6(2)(b) of the Practice Regulation – failure to enter into an estate agency agreement with the purchaser prior to the signing of the provisional agreement for sale and purchase	譴責及罰款\$1,000 Reprimand and fine \$1,000
李玉清 Lee Yuk Ching Teresa  E-103582	違反《常規規例》第 3(2)(a)條 – 沒有按照物業資料表格 (表格 1) 內所指明的指引及指示填寫 Breach of section 3(2)(a) of the Practice Regulation – failure to complete the Property Information Form (Form 1) in accordance with the directions and instructions as specified in the form	訓誡及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Admonishment and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)
羅家威 Lo Ka Wai  S-086387	<ol style="list-style-type: none"> <li>1. 沒有遵守《操守守則》第 3.4.1 段 – 沒有提醒買方關於賣方仍未與有關物業的現時業主完成有關物業交易，因此向賣方購買有關物業存在風險 Failure to comply with paragraph 3.4.1 of the Code of Ethics – failure to advise the purchaser the risk of purchasing the property from the vendor who had not yet to complete the sale and purchase of the property with the current owner</li> <li>2. 沒有遵守《操守守則》第 3.5.1 段 – 沒有在物業資料表格 (表格 1) 填上擁有人的姓名或名稱及其他登記為產權負擔的項目 Failure to comply with paragraph 3.5.1 of the Code of Ethics – failure to state the name of the owner of the property and other matters registered as encumbrances in the Property Information Form (Form 1)</li> </ol>	<ol style="list-style-type: none"> <li>1. 譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)</li> <li>2. 譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)</li> </ol>

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吳俊頤 Ng Chun Kit  S-291788	1. 沒有遵守《操守守則》第 3.4.1 段 – 沒有在臨時租約訂立前，向租客提供一份有關物業的土地查冊結果的文本 Failure to comply with paragraph 3.4.1 of the Code of Ethics – failure to supply a copy of the land search of the property to the tenant before a provisional tenancy agreement was entered into  2. 沒有遵守《操守守則》第 3.5.1 段 – 向租客提供物業資料前，沒有盡量小心和盡一切應盡的努力查核有關物業資料是準確的 Failure to comply with paragraph 3.5.1 of the Code of Ethics – failure to exercise due care and due diligence to ascertain the accuracy of the property information before providing the same to the tenant	1. 譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)  2. 譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)
魏鳳意 Ngai Fung Yee Joe  E-208492	沒有遵守《操守守則》第 3.5.1 段 – 在提供有關物業的成交資料予報刊前，沒有核實有關資料是否正確無誤 Failure to comply with paragraph 3.5.1 of the Code of Ethics – failure to verify the accuracy of the information in respect of the property transaction before providing the same to the press	譴責及罰款\$2,000 Reprimand and fine \$2,000
丰盛地產代理有限公司 Real Profits Property Agency Limited  C-022089	沒有遵守《操守守則》第 3.2.1 段 – 在地產代理協議(表格 4)內預先印上額外條款 Failure to comply with paragraph 3.2.1 of the Code of Ethics – pre-printing extra terms on the estate agency agreement (Form 4)	譴責及罰款\$1,000 Reprimand and fine \$1,000

持牌人 (牌照號碼) Licensee (Licence no.)	有關事項 Matters concerned	紀律處分 Disciplinary actions
蕭皓春 Siu Ho Chun  E-154409	不符合《條例》第 19(1)(c)條內有關適當人選的規定 – 沒有向賣方披露她是處理有關物業交易的地產代理公司的董事, 以及買方是其丈夫  Failure to comply with the “fit and proper person” requirement under section 19(1)(c) of the EAO – failure to disclose to the vendor that she was the director of the estate agency company handling the property transaction concerned and the purchaser was her husband	暫時吊銷牌照 (5/11/2011 – 11/11/2011) (*見註 1) 及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2)  Suspension of licence (5/11/2011 – 11/11/2011) (*see Note 1) and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA’s Continuing Professional Development Scheme) (*see Note 2)
大埔百進物業代理有限公司 Tai Po Million Property Agency Limited  C-019264	違反《發牌規例》第 14(1)(b)條 – 沒有在所發出的佣金收據上清楚而顯眼地載有持牌人的營業詳情說明書內所述明的營業地點  Breach of section 14(1)(b) of the Licensing Regulation – failure to state clearly and conspicuously on the receipts issued for commission payment licensee’s place of business as stated in its relevant statement of particulars of business	訓誡 Admonishment
董慧心 Tung Wai Sum  E-130328	沒有遵守《操守守則》第 3.4.1 段 – 未有提醒買方, 土地查冊中所顯示由建築事務監督發出的命令可能會影響他們的銀行按揭貸款申請  Failure to comply with paragraph 3.4.1 of the Code of Ethics – failure to advise the purchasers that the existence of the building orders shown in the land search might have an implication on their mortgage loan application	譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2)  Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA’s Continuing Professional Development Scheme) (*see Note 2)
黃志威 Wong Chi Wai  S-194102	沒有遵守《操守守則》第 3.7.2 段 – 向買方提供失實的資料  Failure to comply with paragraph 3.7.2 of the Code of Ethics – providing inaccurate information to the purchaser	譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2)  Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA’s Continuing Professional Development Scheme) (*see Note 2)

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黃君建 Wong Kwan Kin  E-010224	沒有遵守《操守守則》第 3.5.1 段 – 向買方提供物業資料前，沒有盡量小心和盡一切應盡的努力確保有關資料是準確的 Failure to comply with paragraph 3.5.1 of the Code of Ethics – failure to exercise due care and due diligence to ensure the accuracy of the property information before providing the same to the purchaser	譴責及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Reprimand and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)
黃蘭馨 Wong Lan Hing  E-121289	違反《常規規例》第 3(2)(a)條 – 沒有按照物業資料表格 (表格 1) 內所指明的指引及指示填寫 Breach of section 3(2)(a) of the Practice Regulation – failure to complete the Property Information Form (Form 1) in accordance with the directions and instructions as specified in the form	訓誡及在牌照上附加條件 (指明持牌人須取得監管局的持續專業進修計劃下的 12 個學分) (*見註 2) Admonishment and attachment of a condition to the licence (specifying that licensee shall acquire 12 points under EAA's Continuing Professional Development Scheme) (*see Note 2)
余潔麗，天毅置業合夥人 Yee Kit Lai, partner of Sky Like Property  E-055997	違反《常規規例》第 6(2)(b)條 – 沒有在安排買方簽署臨時買賣合約前，與買方訂立地產代理協議 Breach of section 6(2)(b) of the Practice Regulation – failure to enter into an estate agency agreement with the purchaser prior to the signing of the provisional agreement for sale and purchase	訓誡 Admonishment

\* 註 Notes

- 倘若持牌人提出上訴，則該暫時吊銷牌照的實施日期以紀律委員會或上訴委員團再通知持牌人的日期為準。  
If the licensee files an appeal, the commencement date of such suspension period shall be such date as shall further be notified to the licensee by the Disciplinary Committee or the Appeal Tribunal.
- 有關在牌照上附加條件的詳情，請留意 2011 年 10 月及 11 月的政府憲報 (網址：[www.gld.gov.hk/egazette](http://www.gld.gov.hk/egazette))。  
For details of the condition attached to the licence, please refer to the publication of the case in the Gazette (website: [www.gld.gov.hk/egazette](http://www.gld.gov.hk/egazette)) for the months of October and November 2011.

凡例 Legend

《條例》 – 《地產代理條例》

EAO – Estate Agents Ordinance

《常規規例》 – 《地產代理常規 (一般責任及香港住宅物業) 規例》

Practice Regulation – Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation

《發牌規例》 – 《地產代理 (發牌) 規例》

Licensing Regulation – Estate Agents (Licensing) Regulation