

無牌從事地產代理工作人士被檢控 Unlicensed persons engaging in estate agency work prosecuted

無牌從事地產代理或僱用無牌人士從事地產代理工作均屬刑事罪行。暑期臨近，地產代理公司管理層切勿聘用無牌青年人從事地產代理工作，以身試法。

監管局在近期的一次執法行動中，發現一名無牌人士向顧客介紹物業及參與議價的工作。該名人士為一家地產代理公司的司機，承認有進行地產代理工作，案件最後被轉介予警方處理，而警方亦提出檢控。結果該名人士在2010年4月被法庭判處罰款\$5,000。

去年亦有一名地產代理公司董事僱用一名無牌人士，為一對夫婦提供地產代理服務。結果該名無牌人士及該名董事在2009年3月分別被法庭裁定違反《地產代理條例》第16(1)(a)條及第39(1)條，兩人均被判罰款\$2,000及監禁兩個月，緩刑兩年。監管局紀律委員會於本年2月對該名董事進行紀律研訊，紀律委員會最後決定譴責該名董事、罰款\$5,000，並在其牌照上附加條件，要求他在一年內取得12個持續專業進修計劃核心科目學分。

監管局執行總監黃維豐先生說：「地產代理工作定義廣泛，包括為業主介紹買家或租客，以及為買賣雙方進行議價工作等。無牌人士即使被聘擔任其他職位，只要參與地產代理工作，就有可能被檢控。」

Engaging in estate agency work without a licence and employing unlicensed persons to carry out such work constitute criminal offences. As summer is approaching, the EAA would like to remind the management of estate agencies not to hire unlicensed young people to engage in estate agency work.

In a recent EAA operation, an unlicensed person was found introducing properties to clients and engaging in negotiation work. Being a driver of an estate agency, he admitted carrying out estate agency work without a licence. The case was referred to the police. The person was prosecuted by police and fined \$5,000 in April 2010.

In another case last year, an estate agency director hired an unlicensed person to provide estate agency service to a couple. In the end, the unlicensed person and the director were convicted of breaching sections 16(1)(a) and 39(1) of the EAO respectively in March 2009. They were fined \$2,000 and sentenced to two months' imprisonment, which was suspended for two years. In February this year, the EAA Disciplinary Committee conducted an inquiry hearing against the director, which resulted in the director being reprimanded and fined \$5,000. The Disciplinary Committee also attached a condition to the director's licence, requiring him to obtain 12 CPD points in core subjects of the CPD Scheme within one year.

EAA Director of Operations Mr Anthony Wong said, "Estate agency work has a wide meaning, including the introduction of a purchaser or tenant to a vendor or landlord, or carrying out negotiations on behalf of a purchaser or vendor. Even though an unlicensed person might be hired to fill other posts, if he carries out estate agency work, he faces the risk of prosecution."

