

紀律處分個案分享

An inquiry hearing case

失實陳述 Misrepresentation

身為專業的地產代理從業員，有責任提供準確的樓盤資料。消費者選擇物業時，十分依賴從業員提供的資訊。因此，監管局提醒從業員，當客戶就樓盤作出查詢時，倘若不知道有關資料，切勿向客戶提供可能失實或含糊不清的資訊。

一對夫婦委託一名從業員尋找合適單位租住，該從業員先後兩次帶他們視察同一個單位。期間，該對夫婦多次詢問該從業員，單位大廈的平台是否用作垃圾收集點，惟該從業員在未有查清事實前，向客戶表示該處只是垃圾車暫時停泊的地點，而垃圾收集點處於屋苑另一座，而事實上，垃圾收集點的確

設置於大廈平台。

該對準租客重複提出相同的問題，顯示他們十分關注垃圾收集點的位置，但該從業員始終沒有替準租客查明，就給他們一個失實的答案。該從業員在履行職務時，沒有盡量小心和盡一切應盡的努力，未有遵守《操守守則》第3.5.1段。

結果，該名從業員被監管局紀律委員會暫時吊銷牌照七天，其牌照上也被附加條件，要求他在一年內取得12個持續專業進修計劃核心科目的學分。

商會代表意見：

香港地產代理商總會主席李純鶴先生認為地產代理公司管理層應敦促從業員了解物業周圍的環境，避免失實陳述。如果客戶也想了解有關物業的其他問題，例如物業是否「凶宅」，從業員也應努力查證，而公司也可考慮備存物業的有用資料供從業員查閱。

地產代理聯會主席郭德亮先生認為從業員如專注於某一區的代理工作，應該多親身了解區內物業周圍的環境、物業設施的資料等。地產代理公司也應訂立守則，確保從業員依法執業。從業員亦宜多進修增值，了解執業時須要留意之處。

Comments from representatives of trade associations:

Chairman of the Hong Kong Real Estate Agencies General Association Mr Li Shun-hok commented that the management of estate agency companies should urge their staff to learn more about the surrounding



香港地產代理商總會李純鶴主席
Chairman of the Hong Kong Real Estate Agencies General Association Mr Li Shun-hok



地產代理聯會郭德亮主席
Chairman of the Property Agencies Association Mr Tony Kwok

environment of properties to avoid any misrepresentation. If clients would like to obtain other property information, such as whether the property concerned is a "haunted" flat (i.e. whether there was a fatal incident in the flat or nearby), practitioners should exercise due diligence to verify such information. Estate agencies could consider keeping records of useful property information for practitioners' reference.

Chairman of the Property Agencies Association Mr Tony Kwok said for practitioners who serve a particular neighbourhood, they should learn more about the environment and facilities of the properties in the area. Practitioners should also keep learning and get themselves well acquainted with all the relevant rules. Estate agency firms should also issue guidelines to ensure practitioners' compliance with the law.

Professional estate agency practitioners are responsible for providing accurate property information to clients. Consumers looking for a home rely heavily on the information provided by practitioners. The EAA reminds practitioners that when clients raise questions about the properties, if they are not sure about the answer, they must not provide information which may be inaccurate or unclear.

A couple asked a practitioner to look for a rental residential property. The practitioner arranged for them to view a flat twice. During the inspections, the couple repeatedly asked the practitioner whether the podium of the block was used to collect refuse. The practitioner, without verification, claimed that the podium was for the temporary parking of refuse-collection vehicles only and that the refuse-collection point was in another block of the housing estate. In fact, the refuse-collection point was on the podium floor of the block in question.

Although the tenants asked the same question repeatedly, which indicated that the location of the refuse-collection point was of great concern to them, the practitioner did not verify the information and gave an inaccurate answer. The practitioner did not exercise due care and diligence in fulfilling his duties, thus failing to comply with paragraph 3.5.1 of the Code of Ethics.

The EAA Disciplinary Committee suspended the practitioner's licence for seven days and attached a condition to his licence, requiring him to obtain 12 Continuing Professional Development (CPD) points in core subjects of the CPD Scheme.



牌費寬免期將於4月30日結束

監管局提醒從業員，牌費寬免計劃的寬免期將於**2010年4月30日**結束。倘若從業員希望透過續領牌照或申請退款獲得牌費寬免，必須於寬免期內提交申請。一般情況下，監管局會於十個工作天內完成牌照審批工作，以及於四星期內發出有關退款支票。寬免計劃的詳情，可參閱監管局網頁。

Fee concession period to end on 30 April

The EAA reminds practitioners that the concession period under the fee concession scheme will end on 30 April 2010. If practitioners would like to obtain the fee concession through licence renewal or refund application, they must submit their applications during the concession period. Under most circumstances, the EAA will be able to grant new licences within 10 working days and issue refund cheques under the concession scheme within four weeks. Details of the scheme can be found on the EAA website.