

不應安排物業出租為色情場所

Arranging for the renting of premises for use as vice establishments prohibited

地產管理局新任執行總監黃維豐先生提醒地產代理從業員，協助賣淫集團租賃或買賣物業作色情場所之用，可能須要負上刑事責任，並遭受監管局紀律處分。

今年4月初，警方在一次掃黃行動中拘捕一名地產代理，懷疑該名代理協助賣淫集團租用物業作色情場所之用。

黃先生表示，根據《刑事罪行條例》，任何處所的業主或租客或其代理人如將單位出租，而知道單位將用作經營賣淫場所，乃刑事罪行。該業主/租客/代理人將要負上刑責，一經定罪，最高可被判監禁七年，而法庭可同時判令將有關單位封閉六個月。

地產代理從業員有責任保障客人的利益。假如從業員蓄意安排將客人的單位出租作色情場所，而客人並不知道單位會被這樣使用，有關從業員便違背了對客人的責任。如果客人因此蒙受損失，該從業員可能需要負上支付賠償的責任，例如客人在單位封閉期間所損失的租金。

再者，未有保障客人利益的從業員亦違反了監管局《操守守則》第3.4.1段：「作為代理或受委託為代理的地產代理和營業員，應保障和促進客戶的利益、按照地產代理協議執行客戶的指示，並對交易各方公平公正」。

The EAA's new Director of Operations Mr Anthony Wong reminds estate agency practitioners that assisting vice syndicates to rent, purchase or sell properties used as vice establishments is a criminal offence, and the EAA may take disciplinary action against practitioners engaged in such activities.

In April this year, the Police arrested an estate agent who had allegedly arranged the rental of premises to a vice syndicate for use as vice establishments.

Mr Wong stated that under the Crimes Ordinance, it is a criminal offence for the owner or tenant of any premises, or his agent, to let the premises with the knowledge that they are to be kept as a vice establishment. The offender shall be liable on conviction to imprisonment up to seven years. Meanwhile, the court may issue a closure order to close the premises in question for six months.

An estate agency practitioner owes his client the duty to protect his interests. If an estate agent willfully arranges for his client's premises to be let out for use as a vice establishment, without the client knowing that the premises will be so used, the agent will have breached his duty. If the client suffers damage as a result, the estate agent may be liable to pay damages to his client: e.g. loss of rent during the period of closure of the premises.

Furthermore, a practitioner who fails to protect his client's interest would have failed to comply with paragraph 3.4.1 of the Code of Ethics issued by the EAA, which stipulates that, "Estate agents and salespersons, in engaging and accepting an appointment as an agent, should protect and promote the interests of their clients, carry out the instructions of their clients in accordance with the estate agency agreement, and act in an impartial and just manner to all parties involved in the transaction."

另外，從業員在從事地產代理工作時觸犯了刑事罪行，亦違反了《操守守則》第3.1.1段的要求：「從業員在執業時必須避免從事可能觸犯法律的活動。」

黃先生表示：「監管局不會容許任何影響地產代理行業聲譽的違法行為。我們除了會密切留意該案件的進展，還會加強與警方聯絡和溝通，以打擊從業員協助賣淫集團租售物業的活動。」

他又補充說，監管局巡查地產代理商舖時，如發現有從業員可能涉嫌協助賣淫集團租賃或買賣物業，會將有關個案轉交警方。

In addition, a practitioner who has committed a criminal offence in the course of his estate agency work would have failed to comply with paragraph 3.1.1 of the Code of Ethics, which requires practitioners to refrain from activities during their practice which may infringe the law.

Mr Wong said, "The EAA does not allow any illegal acts which will impinge on the reputation of the trade. While closely monitoring the development of the case, the EAA will also strengthen its liaison mechanism with the Police to stop practitioners' assisting vice syndicates to rent or sell properties."

Mr Wong added that if the EAA, during its compliance inspections in estate agency shops, discovers any case in which practitioners may be involved in assisting vice syndicates to rent, purchase or sell properties for use as vice establishments, the case will be passed to the Police.

新任執行總監黃維豐先生 New Director of Operations Mr Anthony Wong

黃維豐先生於2008年3月17日加入監管局，出任執行總監一職。黃先生在香港警務處工作達30年之久，是一位資深的執法人員。履新前，黃先生是沙田區高級警司。

任職警隊期間，黃維豐先生曾經參與多項大型活動的保安工作，包括2005年的世貿部長級會議及2007年的奧運馬術預賽等；而由他處理的複雜的投訴個案更是多不勝數。2005年，黃先生獲行政長官頒發香港警察榮譽獎章。



Mr Anthony Wong joined the EAA on 17 March 2008 as the new Director of Operations. Mr Wong is highly experienced in law enforcement. He worked in the Hong Kong Police for the last 30 years, and was the Senior Superintendent of the Shatin District prior to joining the EAA.

Mr Wong was involved in the policing of numerous large-scale activities and events, such as the Ministerial Conference of the World Trade Organization in 2005 and the Olympic equestrian test event in 2007, and handled numerous complex complaint cases. He was awarded the Police Meritorious Service Medal by the Chief Executive in 2005.