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韓婉萍
行政總裁

Ruby Hon Yuen-ping
Chief Executive Officer



筆者再次提醒地產代理公司僱主及管理層，以至各位從業員，切勿以身試法，斷送前程。

Employers, management and staff of estate agency companies are strongly reminded not to ruin their futures by infringing the law.



無牌員工不得從事地產代理工作

Unlicensed staff must not conduct estate agency work

近期有傳媒報道，有市民經由一名未領有牌照的地產代理公司員工購入一手住宅物業，更疑被對方誤導。局方不宜對個別個案作出評論，但我希望在此向各地產代理公司僱主、管理層及員工作出嚴正提醒。

生意競爭激烈，不少地產代理公司即使員工未領取牌照，也會派遣其作為「實習生」跟隨持牌員工工作。然而，這樣做風險極大，因為在「實習」過程中該名非持牌員工可能無意中參與了地產代理工作，令該員工、其公司及管理層均可能因觸犯刑事罪行而被檢控，甚至留下案底。

早前，監管局在調查一宗有關銷售一手住宅物業的投訴期間發現，被投訴的營業員在向準買家推介一手樓盤的時候，並未取得地產代理或營業員牌照。因此，該營業員涉嫌在沒有牌照下從事地產代理工作，而僱用他的地產代理公司則涉嫌僱用非牌照持有人作為營業員，兩者均涉嫌觸犯刑事罪行，局方於是將個案交由警方調查。

案件最後交由法庭審理，該名營業員被判處罰款港幣3,000元兼留下案底。至於僱用該營業員的地產代理公司，則由於證據不足而未被警方起訴。

筆者再次提醒地產代理公司僱主及管理層，以至各位從業員，切勿以身試法，斷送前程。

Recently, the media reported that a consumer purchased a first-hand residential property from an unlicensed staff of an estate agency company and was suspected to have been misled by that person. While it is not appropriate for the EAA to comment on a particular case, I would like to strongly remind the employers, management and staff of all estate agency companies on this subject.

As business competition is intense, some estate agency companies may send unlicensed staff to work as "interns" shadowing their licensed staff. This is, however, highly risky because in the process of the "internship" the unlicensed staff may inadvertently participate in estate agency work, which could lead to the prosecution of the staff concerned, the company as well as its management for committing a criminal offence and could even leave them with a criminal record.

Earlier, during an investigation into a complaint about the sale of a first-hand residential property, the EAA discovered that the salesperson under complaint did not hold an estate agent's licence or a salesperson's licence when he promoted the property to the prospective purchaser. Hence, the salesperson was suspected of conducting estate agency work without a licence, while the estate agency company which employed him was suspected of employing an unlicensed person as a salesperson. As both were suspected of having committed a criminal offence, the EAA referred the case to the police.

The case was taken to court, and the salesperson was fined \$3,000 and left with a criminal record. The estate agency company was not prosecuted due to insufficient evidence.

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