



紀律研訊個案 Disciplinary hearing case

於公眾場所及政府物業張貼街招廣告 Affixing property advertising bills in public places and government properties

引言

持牌人不可在未經許可下於公眾場所及政府物業張貼廣告街招，這行為不但有可能觸犯《公眾衛生及市政條例》，更會影響該些地方的宜人之處，及對行人及其他道路使用者造成滋擾。從事這違規行為有機會被監管局紀律處分。

Introduction

Licensees must not affix property advertising bills in public places and government properties without the requisite permission as this might not only be in breach of the Public Health and Municipal Services Ordinance, it may also affect the amenities of the locality and cause annoyance to pedestrians and other road users. Such non-compliance may lead to disciplinary action by the EAA.

事件經過

監管局職員在九龍一個地區巡查時，發現該處的交通燈柱、電燈柱、路牌柱、行人路欄杆、巴士站及配電箱等多處不同的公共設施上，被張貼了涉及4個樓盤的82張廣告街招。

該些街招刊登了物業的售價、地址及一名營業員的聯絡電話。監管局職員經深入調查後，發現該名營業員在未經相關政府部門的許可下張貼該些街招。

Incident

While on an enforcement patrol in a Kowloon district, EAA staff found 82 advertising bills for four properties affixed to various public facilities, including traffic light poles, lamp posts, sign posts, pedestrian railings, bus stops, and distribution boxes.

Those advertising bills displayed the properties' prices, addresses, and the contact number of a salesperson. The EAA staff conducted a thorough investigation and found that those advertising bills were posted by that salesperson without permission from the relevant government departments.

研訊結果

監管局紀律委員會認為，該名營業員在未經許可下於公眾場所及政府物業張貼廣告街招，影響了該些地方的宜人之處，同時令地產代理行業聲譽受損，違反了《操守守則》第3.7.2段，即「地產代理和營業員應避免做出可能令地產代理行業信譽及 / 或名聲受損的行為」。

考慮到個案的性質及該地產代理公司的違規紀錄，紀律委員會決定譴責該名營業員，向他罰款合共81,600港元及暫時吊銷其牌照3個月。

Result

The EAA Disciplinary Committee was of the view that the affixing of advertising bills in public places and government properties without permission had affected the amenities of the locality and brought disrepute to the trade. The salesperson was in breach of paragraph 3.7.2 of the Code of Ethics, which stipulates: “estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade.”

Having considered the nature and gravity of the case and the disciplinary record of the salesperson, the Committee decided to reprimand him, impose a fine in the total of HK\$81,600 and suspend his licence for three months.



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- 業界意見 Comment from trade

地產代理胡亂張貼物業廣告街招的行為影響市容，更會影響香港的國際大都會形象，同時令地產代理的專業形象受損。推銷物業有很多其他方式，例如代理可以採用網上或報章廣告的形式，不應違規張貼街招。地產代理公司應加強對員工的教育及監管員工的行為，避免此類情況出現。

Posting property advertising bills by estate agents in public areas not only tarnishes the cleanliness of the city but also damages Hong Kong's image as a cosmopolitan city as well as the professional image of estate agents. There are numerous alternatives to advertise properties, such as using online or newspaper advertisements. Estate agents should not affix property advertising bills without permission. Estate agency companies should enhance employee education and strengthen supervision of their staff's conduct to prevent the recurrence of a similar incident.

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未能設立妥善的程序及制度有效監管員工遵從規定 Failure to establish proper procedures or systems to monitor employees' compliance

引言

地產代理公司須設立妥善的程序及制度，以確保其員工或其轄下的人員遵守《地產代理條例》及其附屬法例、《操守守則》、執業通告及由監管局不時發布的指引（「該等條例及指引」）。否則，有可能被監管局紀律處分。

Introduction

Estate agency companies should establish proper procedures and systems to ensure that their employees and persons under their control comply with the Estate Agents Ordinance and its subsidiary legislation, the *Code of Ethics*, practice circulars and guidelines from time to time issued by the EAA (“Ordinance and Guidelines”). Otherwise, they may be subject to disciplinary action by the EAA.