

在《專業天地》內，我們會分享近期常見的投訴個案或違規情況，作為對持牌人的提醒。

In *Horizons*, we will share some recent common complaints or malpractice as a reminder to licensees.

臣工管局發現，近來涉及租賃相關的投訴有所增加，部分個案涉及租客投訴地產代理在租約期間未有履行承諾，例如就物業維修事宜提供協助。其中一個個案中，一名租客在視察物業時向地產代理查詢物業內部狀況及電器的維修責任，地產代理回覆指業主身在外地，如物業內部狀況及電器出現任何問題，租客可聯絡地產代理，代理會協助解決有關問題。

該名租客入住後，發現業主提供的冷氣機未能正常運作，遂聯絡地產代理要求安排維修，然而經多番催促，該代理均表示業主未能安排維修。租客不滿地產代理沒有履行承諾協助處理維修，於是向監管局作出投訴。

一般而言，當地產代理就有關物業與客戶達成租賃協議後，其他向客戶提供的服務包括在租約完結時代表業主收樓，或其他租務管理事宜，並不屬於「地產代理工作」的範疇。然而，若代理為促成交易而作出售後服務的承諾，則有責任履行相關承諾。

為免產生不必要的誤會，地產代理應向客戶清楚解釋其在租約期內的角色，如地產代理所提供的協助僅作為業主及租客的溝通橋樑，則應向客戶清楚說明。反之，如地產代理承諾協助處理維修及退租事宜，則應向客戶以書面具體說明其服務範圍，以免招致不必要的爭議。



The EAA has noticed a recent rise in complaints related to leasing. In some cases, tenants complained that the estate agents had failed to fulfil their promises during the tenancy period, such as providing assistance in property repairs. In one case, a tenant inquired about the property's internal condition and the responsibility for repairing home appliances during the property inspection. The estate agent responded that the landlord was not in Hong Kong and the tenant could contact the agent if there was any issue regarding the property's internal condition and home appliances. He would assist in resolving the problem.

After moving in, the tenant discovered that the air conditioner provided by the landlord was not functioning properly. The tenant hence contacted the estate agent and requested a repair. However, despite repeated requests from the tenant, the estate agent responded that the landlord was unable to arrange a repair. The tenant was dissatisfied that the estate agent had failed to fulfill his promise to provide assistance on repairs and lodged a complaint with the EAA.

Generally, after arranging the tenancy agreement, other services provided by the estate agent for his client, such as taking possession of the property for the landlord after the tenancy expires, or other tenancy management issues, are not "estate agency work". However, if the agent, in an effort to facilitate a transaction, makes after-sales service promises, they are obligated to fulfill those promises.

To avoid unnecessary misunderstanding, estate agents should clearly explain to their clients their role during the tenancy period. If their assistance is only limited to facilitating communication between the landlord and tenant, they should explicitly explain this to their clients. On the other hand, if they promise to assist with repairs or termination of the tenancy, they should specify their service scope in writing to their clients to avoid any disputes.