

## 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.

**持**牌人須注意，在商場範圍內進行任何招攬生意或銷售行為前，務必事先獲得有關商場的業主及／或其管理公司准許。本局近期巡查發現，有持牌人涉嫌在未獲某大型商場的管理公司准許下，在商場內向途人展示某一手發展項目的銷售文件並招攬途人參觀示範單位，本局已就事件立案處理。

根據編號18-03(CR)執業通告，持牌人如未獲有關商場、屋苑、停車場或其他場地／地方的業主及／或其管理處准許，不可在該些地方招攬生意或派發單張。即使持牌人獲准許於該些地方進行招攬生意活動，進行時亦必須遵守該些地方的業主及／或其管理處的指示。

此外，持牌人亦不得在港鐵站(包括車站入口及入閘範圍內)進行任何生意招攬活動、攔截途人或派發單張。根據港鐵附例第32A條規定，除非獲得港鐵公司的職員或獲授權人的准許，否則任何人不得在鐵路處所展示或展覽任何印刷品、書寫物品或圖片或任何物品，以作廣告或宣傳用途。

同時，地產代理公司的僱主和管理層必須遵守《地產代理常規(一般責任及香港住宅物業)規例》第15條，設立妥善的程序或制度，監督和管理其地產代理工作的業務，以確保其僱員或其轄下的人遵守相關的規定和指引。

若任何地產代理公司及持牌人違反以上規定或指引，可能遭受監管局的紀律處分。如持牌人的有關行為構成刑事罪行(例如違反港鐵附例第32A條)，違者除須負刑事責任外，亦可能遭受監管局的紀律處分。

**L**icensees should note that prior to conducting any business soliciting or sales activities within the premises of a shopping mall, they must obtain prior permission from the mall owner and/or its management company. In a recent inspection at a large shopping mall, the EAA found certain licensees suspected of displaying sales documents of a first-hand property development and soliciting passers-by to visit the show flats without the permission from the management office of the mall. The EAA has opened a case to follow up on this matter.

According to Practice Circular No. 18-03(CR), licensees are strictly prohibited from soliciting business or distributing promotional materials in shopping malls, housing estates, car parks, or other venues without the requisite permission from respective owners and/or management offices. Even when permission is granted, licensees must adhere to the instructions of the venue management.

Furthermore, licensees are also strictly prohibited from conducting any business soliciting activities, intercepting passers-by or distributing leaflets at MTR stations (including station entrances, exits and paid areas). Under Section 32A of the MTR By-law, no person while upon the railway premises shall, except by permission of a member of the staff of the MTR Corporation or an authorised person, display or exhibit any printed, written or pictorial matter or any article for the purpose of advertisement or publicity.

In addition, employers and the management of estate agency companies must comply with section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation. They must establish proper procedures and systems to supervise and manage estate agency business, ensuring that employees and individuals under their control comply with all relevant regulations and guidelines.

If any estate agency company or licensee breaches the above regulations or guidelines, they may be subject to disciplinary action by the EAA. If the licensee's conduct constitutes a criminal offence (such as violating Section 32A of MTR By-law), he/she will not only be held criminally liable but may also face disciplinary action by the EAA.