



牌照委員會處理個案 Case from Licensing Committee

因安排未補地價資助單位 出租而被撤銷牌照

Revocation of a licence due to handling the rental of a subsidised sale flat in which the premium had not been paid

引言

持牌人不得協助未解除轉讓限制的資助房屋業主出租單位，否則有機會觸犯《房屋條例》（第283章）及被監管局採取處分行動，最嚴重為撤銷牌照。

事件經過

一名地產代理（個人）牌照持有人被房屋署人員發現其協助及教唆一名「租者置其屋」計劃下的單位業主，在其單位尚未向香港房屋委員會繳付補價以解除轉讓限制的情況下，安排其與租客訂立一項口頭的一年租賃協議。由於該代理的行為違反了《房屋條例》下有關非法讓與等的規定，該代理被房屋署檢控，最終被定罪及罰款5千港元。

Introduction

Licencees must not assist the owner of subsidised housing in the leasing of a flat in which alienation restrictions have not been removed, otherwise they may have violated the Housing Ordinance (Cap. 283) and will be subject to the EAA's action, in which the highest sanction could be licence revocation.

Incident

The staff of the Housing Department discovered that an estate agent (individual) licence holder aided and abetted an owner of a flat under the Tenants Purchase Scheme to enter into a one-year verbal tenancy agreement with a tenant. However, the premium of the flat had not been paid to the Hong Kong Housing Authority for the removal of alienation restrictions. As the estate agent violated the provisions of the Housing Ordinance on illegal alienation, he was prosecuted by the Housing Department and was convicted of an offence with a fine of HK\$5,000.

結果

監管局牌照委員會認為，涉事地產代理應有辨別是非的能力；另外，局方有責任保障公眾利益及提高地產代理及營業員的地位；該持牌人在從事地產代理工作時干犯《房屋條例》下的非法讓與等罪行；他在知悉未補地價的資助房屋不能出租的情況下仍安排向業主介紹租客，使其及業主觸犯《房屋條例》下的罪行，情況非常嚴重。基於上述因素，監管局決定撤銷該地產代理的牌照。

Result

The EAA's Licensing Committee was of the view that the concerned estate agent should have the ability to distinguish right from wrong. Furthermore, the EAA has the responsibility to safeguard the public interest and uphold the professional standard of estate agents and salespersons. The licensee committed the offence of unlawful alienation under the Housing Ordinance while engaging in estate agency work; he introduced the tenant to the landlord despite knowing that the subsidised housing with an unpaid premium should not be leased. This led both the agent and the landlord to violate the Housing Ordinance, which is considered a serious matter. Considering these factors, the EAA decided to revoke the estate agent's licence.



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地產代理管理協會副會長

Ms Anita Chan

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業界意見 Comment from the trade

地產代理必須嚴格遵守《房屋條例》及監管局指引，確保所有交易合法合規。本案例中，涉事代理於單位未補地價仍安排出租，不僅違反法律，更損害客戶及公眾利益，嚴重影響行業聲譽。地產代理公司應強化內部培訓與監察機制，確保員工熟悉資助房屋交易的限制，防範類似違規行為。監管局對違規行為採取嚴厲處分，充分體現維護公眾利益及行業標準的決心，希望從業員引以為鑑，秉持誠信與專業，共同提升行業公信力。

Estate agents must comply with the Housing Ordinance and the EAA's guidelines. In this case, the agent arranged for the leasing of a flat on which the premium had not been paid, which violated the regulations, harmed the interests of the client and the public, and damaged the reputation of the industry. Estate agency companies should strengthen their internal training and monitoring mechanisms to ensure that their staff are familiar with the restrictions on subsidised housing transactions to prevent similar breaches. The EAA's severe sanction for this case fully reflects its determination to safeguard the public interest and industry standards. I hope that practitioners will learn from this case and uphold their professionalism, so as to enhance the public credibility of the industry.

紀律研訊個案 Disciplinary Hearing Case

提供失實按揭資訊

Providing false mortgage information

引言

持牌人不得向客戶聲稱可保證其可獲得某按揭貸款金額或獲得其希望的按揭條款，否則有機會被監管局紀律處分。

Introduction

Licensees must not make any statement to assure the client that he would be able to obtain a specific amount of mortgage loan or the desired terms to finance the client's purchase. Otherwise, they may be subject to disciplinary action by the EAA.