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業界意見 Comment from the trade

地產代理一定要向客戶提供相關物業的準確資料，如沒有告知客戶有關物業為信託物業，就是不盡不實的行為，應要受到紀律處分。

Estate agents must provide clients with accurate information about the related property. Failure to inform the client that the property is a trust property is a fraudulent act and should be disciplined.

紀律研訊個案 Disciplinary hearing case

不可安排客戶租賃商業單位作居住用途

Arranging for a client to lease a commercial unit for residential purpose is prohibited

引言

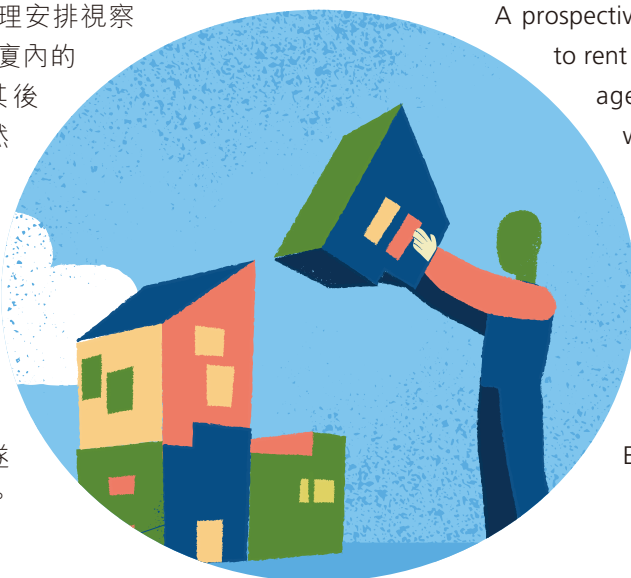
持牌人不應安排客戶租賃非住宅用途單位作居住用途，否則會被監管局紀律處分。

Introduction

Licensees should not arrange for their clients to lease a commercial unit for domestic purposes, otherwise, they may be subject to disciplinary action by the EAA.

事件經過

一名來自中國內地的人士尋求單位租住，由一名地產代理安排視察一個位於多用途大廈內的商業單位，並於其後簽訂租賃合約。然而，租客於入住後發現該單位只可用作商業用途。租客因此向該地產代理作出查詢，但該代理向其發送具羞辱性言論的訊息，租客遂向監管局作出投訴。



Incident

A prospective tenant from the Chinese Mainland sought to rent a flat to rent for use as a residence. An estate agent showed her a commercial unit located within a multi-purpose composite building and arranged for her to enter into a tenancy agreement. After moving in, the tenant discovered that the unit was restricted to commercial use only. She raised the matter with the estate agent but he replied with messages containing humiliating remarks. The tenant then lodged a complaint with the EAA against the estate agent.

結果

監管局紀律委員會認為，該持牌人不應在處理有關物業的租賃交易時，安排租客租賃商業單位居住及向租客傳送具羞辱性言論的訊息，因而違反了監管局發出的《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的違規紀錄，紀律委員會決定向他作出紀律處分，包括譴責、罰款港幣5,000元、暫時吊銷牌照7天，及在其牌照附加進修條件，包括須在12個月內，透過參加並完成地產代理監管局的持續專業進修計劃下的「合規及有效管理」類別的講座或研討會，取得地產代理監管局認可的12個學分。



Result

The EAA Disciplinary Committee was of the view that the estate agent should not have arranged for the tenant to rent the commercial property for residential purpose and should not have sent humiliating messages to the tenant. He thus had breached paragraph 3.7.2 of the *Code of Ethics* issued by the EAA which states that, "Estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade."

Having considered the nature of this case and the disciplinary record of the estate agent, the Disciplinary Committee decided to impose disciplinary sanctions on him, including a reprimand, a fine of \$5,000, suspension of his licence for seven days, and attach conditions to his licence, requiring him to obtain 12 points through attending seminars or workshops in the "Compliance and Effective Management" category of the Continuing Professional Development Scheme within 12 months.



蕭亮鴻先生

地產代理人員協會副主席

Mr Keith Siu

Vice-chairman of Property Agents Association

業界意見 Comment from trade

作為專業持牌地產代理或營業員，為客戶推介各類樓盤或物業前，不論是買賣或租賃，除了要詳細了解客戶要求及需要外，亦須如實地向客戶提供物業的正確資料，例如准許用途及實用面積等。

近年外國及中國大陸人士如留學生，在港購買或租賃各類物業情況越見普遍。由於他們對本港的物業市況及相關法規認識較淺，在進行交易時，往往全憑地產代理和營業員所提供的專業意見及資料作決定。若有從業員為促成交易，以不盡不實的手法誤導客戶，定必令香港地產代理行業多年來建立的信譽及名聲受損。

As a professional licensed estate agent or salesperson, it is essential to understand the client's requirements and needs on purchase, sales or leasing, and to provide accurate information about the property, such as permitted use and saleable area, before recommending properties to clients.

In recent years, it has become more common for foreigners and Chinese Mainlanders, such as students, to purchase or rent properties in Hong Kong. As they have limited knowledge of the Hong Kong property market and related regulations, they usually rely on the professional advice and information provided by estate agents and salespersons when making decisions. It is unethical for a practitioner to mislead his client in order to close a deal, and will undoubtedly damage the reputation and credibility of the Hong Kong estate agency industry.