

監管局加強巡查打擊無牌代理

EAA steps up inspection action against unlicensed estate agency work

時值暑假，不少畢業生及學生均會尋找工作機會。監管局希望提醒持牌地產代理公司切勿安排非持牌員工從事地產代理工作。

最近在一次打擊無牌人士從事地產代理工作的行動中，監管局發現一名男子涉嫌無牌進行地產代理工作，隨即已將個案轉交警方，警方亦已拘捕該名人士。

根據《地產代理條例》（「《條例》」），地產代理工作的定義廣泛，倘若在地產代理公司的工作涉及介紹樓盤資料、推銷樓盤，或陪同參觀樓盤等，均有機會被視為從事地產代理工作。

根據條例，除已訂明的豁免情況外，任何人士在未領有監管局發出的有效牌照而在香港從事地產代理工作，即屬違法；一經定罪，最高刑罰為罰款50萬元及監禁兩年。

此外，僱用或繼續僱用當其時並非地產代理或營業員牌照持有人的人士作為營業員，亦屬於刑事罪行；一經定罪，最高刑罰為罰款10萬元及監禁六個月。

地產代理公司須確保只有持有有效地產代理或營業員牌照的人士才可進行地產代理工作。如證實地產代理公司是在其董事或高級人員的同意或縱容下干犯僱用或繼續僱用無牌人士從事地產代理工作的罪行，則該董事或高級人員亦同屬犯罪。

Since the summer holiday has begun, many graduates and students are looking for employment. The EAA would like to remind all licensed estate agency companies not to arrange for their unlicensed staff to engage in estate agency work.

During a recent operation combatting unlicensed estate agency work, the EAA identified a man suspected of conducting estate agency work without a licence. The case was immediately referred to the Police who then arrested him.

According to the Estate Agents Ordinance (“EAO”), the definition of estate agency work has a wide meaning. If the work in an estate agency company involves circulating property information, promoting properties, or accompanying an inspection of properties, etc., such acts may be regarded as carrying out estate agency work.

Under the EAO, anyone carrying out estate agency work in Hong Kong without holding a valid licence issued by the EAA is committing an offence and is liable on conviction to a maximum penalty of a fine of \$500,000 and imprisonment for two years, except in prescribed exempted circumstances.

Moreover, employing or continuing to employ a person who is not the holder of an estate agent’s licence or salesperson’s licence as a salesperson is also an offence; with a maximum penalty upon conviction being a fine of \$100,000 and imprisonment for six months.

Estate agency companies must ensure that they hire holders of a valid estate agent’s licence or a salesperson’s licence to carry out estate agency work. If it is proven that an estate agency company has committed the offence of employing or continuing to employ unlicensed persons to carry out estate agency work with the consent or connivance of a director or an officer, such director or officer shall be liable of the same offence.

