

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.

隨着樓市日趨活躍，不少地產代理公司會積極擴充，吸納新血。監管局亦同時收到有懷疑無牌人士從事地產代理工作的投訴。

監管局一直打擊此等違法活動，持續加強巡查。於本年5月一次行動中，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》」），除已訂明的豁免情況外，任何人士未領有由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持有有效地產代理或營業員牌照的人作為營業員，亦屬刑事罪行；一經定罪，最高刑罰為罰款10萬元及監禁六個月。如證實有關罪行是在該持牌地產代理公司的董事或與該公司管理有關的其他高級人員的同意或縱容下干犯，則該董事或高級人員亦同屬犯罪。而《條例》下有關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。

臨近暑假，不少應屆畢業生及學生均會尋找工作。監管局提醒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。如發現有違法行為，監管局定必嚴肅跟進，並會把相關個案轉交警方依法處理。

As the property market becomes increasingly active, many estate agency companies are actively expanding and hiring new recruits. At the same time, the EAA has received complaints regarding suspected unlicensed individuals engaging in estate agency work.

The EAA has been combating such illegal practices and strengthening its inspections. During an operation in May this year, the EAA identified a man suspected of conducting estate agency work without a licence. The case was immediately referred to the Police, and the Police arrested that person.

Under the Estate Agents Ordinance (“EAO”), anyone carrying out estate agency work in the course of business in Hong Kong without holding a valid licence issued by the EAA commits 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 for the time being is not the holder of a valid estate agent’s licence or salesperson’s licence as a salesperson is also an offence; with a maximum penalty upon conviction of a fine of \$100,000 and imprisonment for six months. If it is confirmed that the offence was committed with the consent or connivance of a director or other officer in the management of the licensed estate agency company, such director or officer shall also be liable of the same offence. The definition of estate agency work under the EAO has a wide meaning. If the work in an estate agency company involves introducing property information, promoting properties, or accompanying in inspection of properties, etc., such acts may be regarded as carrying out estate agency work.

With the school summer holidays approaching, many fresh graduates and students will be seeking employment. The EAA reminds estate agency companies that they must ensure that only holders of a valid estate agent’s licence or a salesperson’s licence may carry out estate agency work. The EAA will take firm actions and refer the relevant cases to the Police for handling in accordance with the law if any unlawful act is found.

