

紀律研訊個案 — 提供誤導性的按揭資訊

在置業前做好財務預算、掌握準確的按揭資訊，對物業準買家尤為重要。因此，地產代理不應在未經查證下，草率向客戶提供按揭資訊，或保證其可成功取得按揭，或就其按揭貸款的條款作出任何保證，這樣不但可能會引致客戶損失，更可能會被監管局紀律處分。

一名地產代理在一宗住宅物業買賣中擔任雙邊代理。有關物業是連租約出售的物業。

買賣雙方商議好價錢後，該名地產代理安排買家簽訂臨時買賣合約。

在簽約前，該名代理曾向買家表示，他必定可以向銀行取得七成按揭貸款。

其後，買家向三家銀行查詢，但均被拒絕提供七成按揭貸款。最終，買家只能獲得相等於樓價五成的按揭貸款，遂向監管局投訴該名地產代理。

根據買家提供的錄像紀錄，該名地產代理曾向買家稱，他必定可獲銀行借出七成按揭。然而，該名地產代理在回覆監管局查詢時，表示知悉政府曾公布連租約的物業只可獲五成按揭。



監管局紀律委員會認為，該名地產代理在沒有合理基礎下向客戶作出有關按揭貸款的陳述，沒有遵守《操守守則》第3.4.1段，即：保障和促進客戶的利益，並對交易各方公平公正。因此，紀律委員會決定譴責該名地產代理及吊銷其牌照七天，並在其牌照上附加條件，要求她在12個月內取得持續專業進修計劃以下的12個核心科目的學分。

Inquiry hearing case – Providing misleading information about a mortgage loan

A well planned budget and accurate information about a mortgage loan prior to purchasing a property are very important for prospective purchasers. In this connection, estate agents should not hastily provide mortgage information to clients, assure a prospective purchaser that he will be able to obtain a mortgage loan, or make any guarantees on the terms of mortgage loans. It might not only cause a loss to clients but may also subject the licensee to disciplinary action by the EAA.

An estate agent acted for both parties in a residential property transaction and the property concerned was subject to a tenancy.

After price negotiation, the estate agent arranged for the purchaser to

enter into the provisional agreement for sale and purchase. Before the signing of the agreement, the estate agent assured the purchaser that he could obtain a 70% mortgage loan.

The purchaser later enquired with three banks for a 70% mortgage loan but was rejected by all of them. Finally, the purchaser was only granted a mortgage loan equivalent to 50% of the purchase price and so he lodged a complaint with the EAA against that estate agent.

According to video recordings provided by the purchaser, the estate agent told the purchaser that he could definitely obtain a 70% mortgage loan from a bank. However, the estate agent, in reply to EAA's enquiries, said that she knew that the Government had

announced that mortgage loans of properties subject to a tenancy was capped at 50% of the purchase price.

The EAA Disciplinary Committee was of the view that the estate agent made a representation about a mortgage loan without a proper basis. She failed to protect and promote the client's interests and be fair to all parties involved in the transaction, thus she failed to comply with paragraph 3.4.1 of the Code of Ethics. The Disciplinary Committee decided to reprimand the estate agent, suspend her licence for seven days and attach conditions to her licence, requiring her to obtain 12 points from the core subjects under the CPD scheme within one year.