

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.

雖然持牌人在銷售一手住宅樓盤的秩序普遍良好，但監管局偶爾亦會接獲零星有關地產代理銷售一手住宅樓盤秩序的投訴，希望各持牌人多加留意，保持秩序井然。

監管局最近接獲香港鐵路有限公司（「港鐵」）投訴，指有地產代理在銷售一手住宅樓盤時，在港鐵站出入口派發宣傳單張，滋擾乘客。港鐵最終根據《香港鐵路附例》向有關人士發出警告通知書。

此外，食物環境衛生署亦向監管局指出，有地產代理涉嫌於公眾地方擺放一手住宅樓盤廣告牌，阻礙公眾，有持牌人曾遭該署票控及罰款。

監管局正跟進上述兩宗個案，並藉此提醒持牌人，在進行一手住宅樓盤銷售的推廣活動時，緊記必須符合執業通告（編號18-03(CR)）的指引。其中包括，持牌人不得在港鐵站（包括車站出入口及入閘範圍內）進行任何生意招攬活動、攔截途人或派發單張。事實上，根據《香港鐵路附例》第32條，除非獲得港鐵公司書面特准，否則任何人不得在鐵路處所任何部分派發任何書籍、單張或其他印刷品，違者最高可被判罰款5,000元。

此外，持牌人亦不得在任何公眾地方擺放廣告牌，因該等物件會對行人及其他道路使用者造成不便。根據《簡易程序治罪條例》第4A條，任何人士無合法權力或解釋而陳列或留下任何物品，而這些物品可能對在公眾地方的人士或車輛造成阻礙、不便或危害者，可處最高罰款25,000元或監禁三個月。

除上述的定罪外，監管局亦會向被證實違反上述執業通告（編號18-03(CR)）內的指引的持牌人作出紀律處分。

Although the order of licensees in selling first-hand residential properties is generally good, the EAA occasionally receives sporadic complaints about the order of estate agents in selling those properties. We hope that all licensees will pay more attention and maintain good order.

The EAA recently received a complaint lodged by the Mass Transit Railway Corporation Limited ("MTRC") against an estate agent, who distributed promotional leaflets at the entrances and exits of MTR stations while selling first-hand residential properties, causing nuisance to passengers. The MTRC issued a warning notice to the person concerned under the Mass Transit Railway By-laws.

In addition, the Food and Environmental Hygiene Department ("FEHD") also pointed out to the EAA that some estate agents were suspected of placing signboards in public places obstructing the public. A licensee was fined by the FEHD.

The EAA is following up on the two cases mentioned above, and would like to remind licensees that when conducting promotional activities for the sale of first-hand residential properties, they must comply with the guidelines set out in the Practice Circular (No. 18-03(CR)). These include that licensees are not allowed to conduct any business soliciting activities, intercept passersby, or distribute leaflets at MTR stations (including station entrances, exits and the paid areas). In fact, under Section 32 of the MTR By-laws, no person shall, unless authorised in writing by the MTRC, distribute any book, leaflet or other printed matter on any part of railway premises. The maximum penalty is a fine of \$5,000.

Furthermore, licensees are also prohibited from placing advertising boards in any public places as such items may cause inconvenience to pedestrians and other road users. According to Section 4A of the Summary Offences Ordinance, any person who without lawful authority or excuse sets out or leaves anything which may obstruct, inconvenience or endanger any person or vehicle in a public place shall be liable to a maximum fine of \$25,000 or to imprisonment for three months.

In addition to the aforementioned convictions, the EAA will also take disciplinary action against licensees who are found to have breached the guidelines in the above-mentioned Practice Circular (No. 18-03(CR)).