



紀律研訊個案 — 網上刊登不真確成交資料

隨着互聯網普及，不少地產代理從業員會在網上向消費者發布樓盤的資訊。倘若地產代理發放未經核實的物業資料，不但有機會令消費者蒙受損失，更會被監管局紀律處分。

一間公司的董事閱讀某報章網頁時，發現有關其公司名下商舖物業已經出售的報道，並列出其成交價，稱資料來自某地產代理公司。該董事向監管局投訴，表示其公司沒有出售有關商舖，指有關地產代理公司向報章提供虛假成交資料。

監管局展開調查，發現有關商舖的土地查冊紀錄上並沒有相關轉讓記錄。至於被投訴的地產代理公司，雖否認曾向報章提供相關資料，但其公司網頁上卻刊登了與該報道內容相同的成交資料。該地產代理公司解釋，有關資料是參考其他報章報道所得；然而，這些報道只提及該物業獲買家「積極洽購」，並未落實成交。

監管局紀律委員會認為，該地產代理公司沒有盡量小心及盡一切應盡的努力，查核有關物業的成交資料的真確性，便將資料刊登在其公司網頁上，沒有遵守監管局發出的《操守守則》第3.5.1段。該公司結果被譴責及罰款港幣\$10,000。

Inquiry hearing case — Publishing untrue transaction information online

With the popularity of the Internet, practitioners in the estate agency trade disseminate property information to consumers online. Failing to verify the information prior to releasing it may not only cause a loss to consumers, but would also result in the estate agent being subject to disciplinary action by the EAA.

When reading a newspaper online, a director of a company found a news report about the transaction of a shop owned by the company. It reported that the shop had been sold and quoted its transaction price. It also claimed that the source of information was an estate agency company. The director lodged a complaint with the EAA alleging the estate agency company had provided untrue transaction information to the newspaper because his company had not sold that shop.

During the investigation, the EAA found that there was no relevant transaction record for the shop from the record of search conducted in the Land Registry. Although the estate agency company denied having provided the relevant information to the newspaper, it published the same transaction information on its own website. The estate agency company explained that the information had been obtained from some other newspapers' reports. However, the reports only mentioned that there were negotiations between potential buyers and the owner of that shop but no deal had been reached.

At the conclusion of the hearing, the EAA Disciplinary Committee found that the estate agency company has failed to comply with paragraph 3.5.1 of the Code of Ethics — it failed to exercise due care and due diligence in ascertaining the accuracy of the transaction information before publishing it online. As a result, the estate agency company was reprimanded and fined HK\$10,000.