



### 紀律研訊個案： 發出具誤導性或虛假廣告

### DISCIPLINARY HEARING CASE: ISSUING MISLEADING OR FALSE ADVERTISEMENTS

持牌人從事時必須秉持誠實的態度，不可發放虛假或具誤導性陳述的廣告，否則有可能被監管局紀律處分。

一間地產代理公司發出一則住宅物業的放售及放租廣告，資料包括該物業的座數、實用面積及建築面積，並附有數張展示單位景觀及內部間隔的照片。

然而，那些照片並不屬於該廣告中的物業，而是屬於同座較低層的另一物業，但兩者皆享有相同座向及景觀。該地產代理

Licensees must act in an honest manner and must not issue any advertisements with misleading or wrong information. Otherwise, they may be subject to disciplinary action by the EAA.

An estate agency company posted an advertisement of a residential property for sale or rent with information of its block number, saleable area and gross floor area. Several photos showing the view of the property and its interior were also included.

However, the photos did not belong to the advertised property but belonged to another property located in the same block on a lower floor which shared the same direction and view. The staff





公司的員工在公司電腦資料庫中找出這些照片使用。其後，照片所屬的單位業主發現該廣告，遂向監管局作出投訴。

監管局經調查後展開紀律研訊。監管局紀律委員會認為，該地產代理公司在刊登廣告前，未有查核清楚資料便使用其他物業照片，違反《地產代理常規(一般責任及香港住宅物業)規例》第9(1)條，即「持牌地產代理不應就其地產代理業務發出在要項上屬虛假並具誤導性陳述的廣告」的規定。

考慮到個案的性質、持牌人的違規紀錄及同類個案的罰則，該地產代理公司結果被譴責及罰款11,500元。

of the estate agency company found the photos in the company computer database and used them. Later on, when the owner of the other property discovered the advertisement, she lodged a complaint with the EAA.

An inquiry hearing was conducted after an investigation. The EAA Disciplinary Committee was of the view that the estate agency company adopted the photos of another flat without carefully verifying the information when issuing the advertisement and thus was in breach of section 9(1) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, which stipulates that “a licensed estate agent shall not cause or permit to be issued an advertisement wholly or partly relating to his estate agency business which includes any statement or particular that is false or misleading in a material particular”.

Having considered the nature and gravity of the case, the disciplinary record of the licensee and the sanctions imposed in similar cases, the estate agency company was reprimanded and fined \$11,500.