



地產代理(從業員)總公會副主席  
岑柱華先生

**Mr Shum Chu-wah**  
**Vice-Chairman of**  
**Estate Agent Association**

### 業界回應

從業員必須告知客戶在申請物業按揭時需經過銀行壓力測試，並以銀行批核作實。而在每宗交易過程中，從業員必須盡一切努力如實向客戶提供資料，不可作出任何誤導或胡亂作出任何承諾，令客戶蒙受損失，否則可能因此負上法律責任。

### COMMENT FROM TRADE

Practitioners should inform their clients that there are stress-test and stressed-DSR (Debt-Servicing Ratio) cap for mortgage loans provided by banks, the availability of such mortgage loan is subject to individual banks' approval. Moreover, practitioners should provide valid information to clients in order to exercise due care and due diligence in each transaction. They should not make any misrepresentation or any promise to clients about mortgage loans. Otherwise, they may be subject to legal liability for causing loss to clients.

## 紀律研訊個案：以有別於客戶指示的放售價宣傳物業 DISCIPLINARY HEARING CASE: ADVERTISING A PROPERTY AT A DIFFERENT PRICE FROM THAT INSTRUCTED BY THE CLIENT

### 引言

持牌人不應以有別於客戶所指示的價格、租金或條款宣傳有關的住宅物業，否則有可能被監管局紀律處分。

### INTRODUCTION

Licensees should not advertise a residential property at any price, rental or terms different from that instructed by the client concerned. Otherwise, they may be subject to disciplinary action by the EAA.

### 事件經過

監管局接獲一宗匿名投訴，有關一則網上的一手樓盤廣告。一間地產代理公司於網上物業平台發布該則一手住宅物業廣告，物業的售價標示為\$16,000,000。

根據一手住宅物業銷售資訊網所載的價單，該發展項目的售價由\$16,567,000至\$21,541,000。

### INCIDENT

The EAA received an anonymous complaint regarding an online advertisement of a first-hand residential property posted by an estate agency company on an online property platform. The listing price of that property was \$16,000,000.

According to the price list on the Sales of First-hand Residential Properties Electronic Platform, the price of that development ranged from \$16,567,000 to \$21,541,000.

該地產代理公司聲稱收到發展商的特別通知，指可將樓盤售價調整至\$16,000,000或以下。但是，就監管局的查詢，發展商表示他們沒有指示任何受委託的地產代理公司根據價單以外的售價來調整售價。

The estate agency company claimed that it received a special notice from the developer that the price could be adjusted to \$16,000,000 or below. However, upon EAA's enquiry, the developer said they did not instruct any appointed estate agency companies to adjust the listing price other than that stated in the price list.

## 研訊結果

監管局紀律委員會認為，該地產代理公司以有別於賣方所指示的價格發布廣告，違反了《地產代理常規（一般責任及香港住宅物業）規例》第9(3)條：「持牌地產代理不得就其以持牌地產代理身分代理的住宅物業，安排或准許以有別於有關的客戶所指示的價格或租金或條款宣傳該住宅物業。」

在考慮個案的性質及該公司的違規紀錄後，委員會決定譴責該地產代理公司及罰款3,000元。

## RESULT

The EAA Disciplinary Committee found that the estate agency company issued an advertisement in which the property price stated was different from that instructed by the vendor. Thus, it was in breach of section 9(3) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation: "A licensed estate agent shall not cause or permit to be advertised a residential property in respect of which he is acting as agent at a price or rental or on terms different from those instructed by the client concerned."

Having considered the nature and gravity of the case and the disciplinary record of that estate agency company, the EAA Disciplinary Committee reprimanded the estate agency company and fined it \$3,000.



地產代理管理協會有限公司會長  
黃漢成先生

**Mr Daniel Wong**  
**President of Estate Agents**  
**Management Association**  
**Limited**

## 業界回應

是次監管局研訊的結果十分公平合理，相信違規地產代理公司受到應有的懲處外，此個案對業界亦能起警惕作用。

本人深信唯有專業守規，才能提升整個地產代理業界的水平和社會地位，在此謹提醒各地產從業員，執業時務必守規守法，一起營造公平而健康的業界生態。

## COMMENT FROM TRADE

The result of this disciplinary case is fair and reasonable. The non-compliant estate agency company was punished and I believe this case could be a warning to other trade members.

I am convinced that in order to enhance the professional standard and reputation of the trade, practitioners must act professionally and follow all the regulations and guidelines at all times. Let us develop a fair and healthy way of doing business in the industry.