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Integrity in Focus

紀律研訊個案 Disciplinary hearing case

就地產代理業務刊登具誤導性資訊的廣告

Advertising in relation to its estate agency business with misleading information

引言

地產代理公司切勿就其地產代理業務刊登具誤導性資訊的廣告，否則，有機會被監管局紀律處分。

Introduction

An estate agency company must not put up an advertisement in relation to its estate agency business with misleading information. Otherwise, it may be disciplined by the EAA.

事件經過

一間地產代理公司於報章上刊登一則廣告，當中載有一些字眼表明該公司為某發展商行事，以協助收購座落於某街道某些幢數的物業。然而，廣告中所使用的字眼亦提及一些其他幢數的物業，造成公眾誤會，以為這些幢數物業也是由該公司所成功收購，但事實並非如此。由於這些幢數物業的業主並沒有透過該地產代理公司出售其物業，卻因該廣告而受到不必要的煩擾，他們遂向監管局作出投訴。

Incident

An estate agency company published an advertisement in a newspaper stating that it acted for a developer in its acquisition of a number of blocks on a specific street. However, the wording of the advertisement also mentioned some other blocks which caused a misleading impression to the public that the estate agency company had helped the developer to successfully acquire those blocks, which was not true. As some owners of these blocks did not engage the estate agency company concerned to sell their properties, annoyances were caused to these owners by the misleading advertisement, and thus they lodged a complaint to the EAA.



研訊結果

監管局紀律委員會認為，該地產代理公司刊登了具誤導性資訊的廣告，造成公眾誤會，違反了《操守守則》第 3.7.2 段，即「地產代理和營業員應避免做出可能令地產代理行業信譽及/或名聲受損的行為」。

考慮到個案的性質及該地產代理公司的違規紀錄，紀律委員會決定譴責該地產代理公司，並向其罰款 15,000 元。

Result

The EAA Disciplinary Committee was of the view that the estate agency company published an advertisement which contained misleading information and had caused confusion to members of the public. Hence, it was in breach of paragraph 3.7.2 of the *Code of Ethics*, which stipulates: “estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade.”

Having considered the nature and gravity of the case, and the disciplinary record of the estate agency company, the Committee decided to reprimand it and impose a fine of \$15,000.



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地產代理管理協會會長
Mr Daniel Wong
President of Estate Agents
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業界意見 Comment from trade

隨著社會的進步，消費者權益日漸受到重視，作為專業的地產代理，對於物業資料的收集和廣告的發放，須加倍的審慎，除進行相關的盡職審查外，在發放廣告時，亦要確保廣告內的資料正確無誤，避免買家或業主因廣告內容失實或誤導而招致損失。

As consumer rights are getting stronger, a professional estate agent should be extremely prudent when obtaining property information and issuing advertisements. As well as conducting the relevant due diligence, they must ensure the information in the advertisements is accurate and not misleading or false in order to protect the purchaser and the landlord from suffering any losses.