

紀律研訊個案 Disciplinary hearing case

發出虛假或誤導性廣告 Issuing a false or misleading advertisement

引言

持牌人不可在物業廣告中使用不屬於該物業的照片，否則有機會因發出虛假或誤導性廣告而被監管局紀律處分。

Introduction

Licensees must not use photos which are not taken from the property being advertised in advertisements. Otherwise, they may be disciplined by the EAA for issuing a false or misleading advertisement.

事件經過

一名賣家委託一間地產代理公司放售其物業。後來，她在該地產代理公司的網站上發現自己物業的照片出現於另一物業的廣告內。

該賣家對於自己物業的照片被用作宣傳其他物業深感不滿，遂向監管局投訴該地產代理公司。

就監管局的調查，該地產代理公司表示已得悉事件，並已向涉事的地產代理作出警告，表示其公司一向設有監察措施以確保員工遵守監管局發出的要求及指引，亦會加強監督有關分行的運作以防類似事件再度發生。

Incident

A vendor appointed an estate agency company to sell a property she owned. Later, she found photos of her property being shown to advertise another property, which was not hers, on the website of the estate agency company.

Feeling discontent that her own property photos were being used to promote another property, she lodged a complaint against the estate agency company.

In replying to the EAA's enquiries during investigation, the estate agency company said that they had warned the relevant estate agent after the incident was brought to their attention. The company also said that it has monitoring measures to ensure the compliance of its staff to the requirements and guidelines issued by the EAA, the company assured that it would strengthen the supervision of the branch's operation so to avoid similar mistake from happening again.



研訊結果

監管局紀律委員會認為，該地產代理公司發出全部或部分與其地產代理業務有關並載有在要項上屬虛假或具誤導性陳述或詳情的廣告。因此，該公司違反了《地產代理常規（一般責任及香港住宅物業）規例》第9(1)條。

考慮到個案的性質、類似個案的罰則，以及該地產代理公司的違規紀錄，紀律委員會決定譴責該公司，並向其罰款40,000元。

Result

The EAA Disciplinary Committee was of the view that the estate agency company issued an advertisement wholly or partly relating to its estate agency business which includes any statement or particular that is false or misleading in a material particular. Hence, the company was in breach of section 9(1) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation.

Having considered the nature and gravity of the case, the sanctions for similar cases and the disciplinary record of the estate agency company, the Committee decided to reprimand it and impose a fine of \$40,000.



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業界意見 Comment from trade

個案中的地產代理公司除令賣家失去信任外，準買家亦會因在視察物業時發現與廣告不符而產生被騙感覺。這不但有損該公司商譽，亦有機會破壞交易，亦令客戶對地產代理行業失去信任。

The estate agency company lost the trust of the vendor. At the same time, the prospective purchaser will also feel cheated when he/she finds out that the property he/she inspects is not the same as the one advertised. This will undermine the reputation of the company as well as the possibility of a transaction, and will also make customers lose confidence in the estate agency trade.