



紀律研訊個案 **Disciplinary hearing case**

發出載有虛假牌照資料的物業廣告

Issuing online advertisement which contained false licence information

引言

地產代理公司在發出物業廣告時，須確保該些廣告沒有載有任何虛假或具誤導成分的資料或陳述，包括牌照資料，否則有可能被監管局紀律處分。

Introduction

When issuing property advertisements, estate agency companies must ensure that the advertisements should not contain any false or misleading information or statements, including licence information. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局接獲來自一名物業持有人的匿名投訴，指一間地產代理公司於一個網上物業平台，發出一則廣告宣傳他的物業；然而，他並沒有委託任何地產代理出售該物業。

調查期間，監管局職員發現相關廣告已不再刊登在該網上物業平台，惟涉事地產代理公司發出了一則有關另一物業的廣告，該廣告列出聯絡人的姓名、聯絡電話號碼及牌照號碼。監管局職員根據局方的牌照紀錄核實該些資料，卻沒有顯示該名聯絡人的紀錄。

Incident

The EAA received an anonymous complaint from a property owner that an estate agency company issued an advertisement of his property on an online property platform but he did not appoint any estate agent to sell that property.

During the investigation, the EAA staff found that the relevant advertisement was no longer on that online platform but there was another advertisement of another property issued by the same estate agency company with contact details listed on the advertisement, including the name of the contact person, mobile phone number and a licence number. The EAA staff then verified such information with the licence records kept by the EAA, but no record of the said contact person was found.

研訊結果

監管局紀律委員會認為，該地產代理公司於網上發出載有虛假牌照資料的廣告，因而違反了《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及向其罰款30,000元。

Result

The EAA Disciplinary Committee was of the view that the estate agency company issued an advertisement on the internet which contained false licence information. Hence, it failed to comply with paragraph 3.7.2 of the *Code of Ethics*, which states that “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 that company, the Disciplinary Committee decided to reprimand the estate agency company, and impose a fine of \$30,000.



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Ms Anita Chan
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業界意見 Comment from trade

地產代理就物業發出廣告前，須先取得賣方/業主的書面同意，並採取一切合理步驟核實廣告所載資料的準確性，所有廣告均須真實及不具誤導性，以保障消費者的利益。此外，廣告中亦應列明物業編號及廣告的刊登日期。

Prior to issuing a property advertisement, estate agents must obtain written consent from the vendor/landlord and take all reasonable steps to verify the accuracy of the information contained in the advertisement. All advertisements must be real and not misleading so that consumers' interests are protected. In addition, the property number and the date of the advertisement should also be stated in the advertisement.

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未有告知客戶物業涉及無償轉讓契 Failure to inform a client that a property involved an assignment at nil consideration

引言

倘若有關物業涉及遺產分配協議及/或無償轉讓契，持牌人在與客戶訂立臨時買賣合約（「臨約」）之前，必須告知客戶有關事實，並應建議客戶尋求獨立的法律意見。否則，持牌人有機會被監管局紀律處分。

Introduction

Before arranging for clients to enter into the provisional sale and purchase agreement (“PASP”), licensees must inform the purchaser(s) if the relevant property involves a Deed of Family Arrangement and/or an assignment at nil consideration and advise them to seek independent legal advice. Otherwise, licensees may be subject to disciplinary action by the EAA.

事件經過

於一項物業買賣交易中，一名營業員安排買家訂立臨約。然而，該買家其後獲律師通知，該

Incident

In a property transaction, a salesperson arranged for the purchaser to enter into a PASP. However, the purchaser was later informed by his