



紀律研訊個案 Disciplinary hearing case

發出虛假或誤導性物業廣告 Issuing an advertisement with false or misleading property information

引言

在發布物業廣告時，地產代理公司不得發出任何載有在要項上屬虛假或具誤導陳述或詳情的廣告，並應於發布前取得業主同意。否則有可能被監管局紀律處分。

Introduction

When issuing property advertisement, estate agency companies must not include any statements or material particulars that are false or misleading and should seek consent from the owner of the property in advance. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局接獲一宗有關兩個發布於網上物業平台廣告的投訴，有關的住宅物業廣告涉及誤導性資訊。該兩則廣告分別列出「988萬」、「租金港幣\$10,800」、某地產代理公司名稱及牌照號碼等字眼，讓消費者以為該地產代理公司已獲業主指示出售及出租物業。然而，經監管局調查後，發現該地產代理公司並沒有取得業主同意或指示。

Incident

The EAA received a complaint about two advertisements listed on an online property portal with misleading information of two residential properties. The advertisements included wording of “\$9.88 million” and “Rent for HK\$10,800” respectively together with the name of an estate agency company and its licence number, which implied to the consumers that the agency had obtained instruction from the owners to sell and lease the properties. However, after investigation, the EAA found that the agency did not have any consent or instruction from the owners of the properties.

研訊結果

監管局紀律委員會認為，該地產代理公司發出兩個載有在要項上屬虛假或具誤導陳述或詳情的廣告，違反了《地產代理常規（一般責任及香港住宅物業）規例》第9(1)條，即「持牌地產代理不得安排或准許發出任何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。」

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共20,000元。

Result

The EAA Disciplinary Committee was of the view that the concerned estate agency company issued both advertisements on the internet which contained misleading information. Hence the agency 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 and the disciplinary record of the estate agency company, the Disciplinary Committee decided to reprimand the company and imposed a fine of \$20,000 in total.



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Ms Karen Sze
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- 業界意見 Comment from trade

從業員經常疏忽在廣告發布前，必須取得業主或委託人的同意下方可向外發布廣告，該等內容亦必須得業主確認無誤，包括放盤租售價，另要留意廣告連同物業的相片發放時，該等相片是否與該物業屬實內容，否則便可能違反監管局規定條例，各同業應多加注意。

Practitioners have always neglected to obtain consent from the vendor/landlord before issuing property advertisements. The content of the advertisement should also have the consent from the vendor/landlord, including the listed price. In addition, the photos published with the advertisements must be accurate, otherwise it will be in breach of the regulations by the EAA. I hope that all fellow practitioners will pay more attention to this issue and always obtain all the consent required.

紀律研訊個案 Disciplinary hearing case

於行人路上擺放廣告牌對路人造成阻礙 Placing advertising boards on the pedestrian sidewalk causing an obstruction to pedestrians

引言

地產代理公司應緊記不可於行人路上擺放廣告牌，否則有機會被監管局紀律處分。

Introduction

Estate agency companies should bear in mind that they must not place any advertising boards on the pedestrian sidewalk. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局於巡查期間發現某地產代理公司於行人路上擺放了兩個不同的廣告牌，對路人造成阻礙或不便。而其中一個廣告牌涉及一個一手住宅樓盤，但該公司於發出此廣告前並未取得該一手樓盤賣方的書面同意。

Incident

During a compliance inspection by the EAA, an estate agency company was found to have placed two different advertising boards on the pedestrian sidewalk causing obstructions or inconvenience to the pedestrians. It was also discovered that one of the advertisements about a first-sale development was issued without obtaining the vendor's prior written consent.

研訊結果

監管局紀律委員會認為，該地產代理公司違反了《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。」同時，因該地產代理公司於發出一手物業廣告前並未取得有關賣方的書面同意，違反了《地產代理常規（一般責任及香港住宅物業）規例》第9(2)條。

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公司，並向其罰款共\$44,000。

Result

The EAA Disciplinary Committee pointed out that the concerned estate agency company failed to comply with paragraph 3.7.2 of the *Code of Ethics* issued by the EAA, which states that "estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade". It also failed to comply with section 9(2) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties), as it failed to obtain the vendor's written consent prior to the issue of the advertisement.

Having considered the nature and gravity of the case and the disciplinary record of the estate agency company, the Disciplinary Committee decided to reprimand the company and impose a total fine of \$44,000.



李景亮先生
香港房地產代理業聯會主席
Mr Lee King Leong Paul
Chairman of Hong Kong Property
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● 業界意見 Comment from trade

這宗案例明顯是違反監管局發出的《操守守則》。在公眾地方放置廣告牌不但影響行人，亦影響地產代理行業的形象，同時，該代理行於發出廣告前，並未有得到賣方的書面同意。此乃違反地產代理常規（一般責任及香港住宅物業）規例，希望代理公司要等特別留意。

The case has violated the *Code of Ethics* issued by the EAA. Placing an advertisement board in a public area not only disturbs pedestrians but may tarnish the image of the estate agency trade. In addition, the estate agency company did not obtain written consent from the vendor before issuing the advertisement. This was in breach of the Estate Agents Practice Regulation (General Duties and Hong Kong Residential Properties). I hope estate agency companies will pay more attention to this matter in the future.