



紀律研訊個案 Disciplinary hearing case

發布具誤導性的物業廣告 Issuance of misleading advertisements

引言

地產代理公司應確保其所發布的所有物業廣告不得包含任何虛假或具誤導性的陳述或詳情，並且必須在發布廣告前獲得物業擁有人的委託及書面同意。否則，有可能被監管局紀律處分。

Introduction

Estate agency companies should ensure all property advertisements they issue must not include any false or misleading statement or particulars and must obtain instruction and written consent from the vendor prior to issuance. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局接獲一宗投訴，涉及一個載於某物業銷售網站上的住宅物業廣告。廣告中包含以下字句：「地區屋苑」、「市場罕有」、「售\$295萬（港）元」和地產代理公司的名稱及其牌照號碼。在調查期間，監管局要求該地產代理公司提交有關住宅物業的訂明表格及文件，檢視後發現相關的「出售香港住宅物業用的地產代理協議」（表格3）已經屆滿，而且該住宅物業於廣告刊載日期的半年前已經售出。

Incident

The EAA received a complaint regarding a residential property advertisement on an online property platform. The advertisement contained wording including, “listing property”, “rare in the market”, “selling price for HK\$2.95 million”, an estate agency company name and its licence number. During the investigation, the EAA required the estate agency company to submit the prescribed forms and information of that residential property and discovered that the relevant Estate Agency Agreement (Form 3) had expired, and that property had already been sold about half a year prior to the advertisement’s posting date.

研訊結果

監管局紀律委員會認為，該廣告會令人認為該地產代理公司已獲得該物業的擁有人的委託代為出售物業，惟事實上並非如此。就此，該地產代理公司發布或允許發布了一則與其業務有關、並載有虛假或具誤導性的陳述或詳情的廣告。因此，該地產代理公司違反了《地產代理常規（一般責任及香港住宅物業）規例》第9(1)條。

考慮到個案的性質及該地產代理公司的違規紀錄，委員會決定予以譴責，並罰款共73,000港元。

Result

The EAA Disciplinary Committee was of the view that the concerned advertisement could lead consumers into believing that the estate agency company had been appointed by the vendor to act on his/her behalf to list the property for sale, but which was not true. Therefore, the estate agency company had caused or permitted an advertisement to be issued wholly or partly relating to its estate agency business which included a statement or particular that was false or misleading in a material particular. Hence, the estate agency 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 and the disciplinary record of the estate agency company, the Disciplinary Committee decided to reprimand the estate agency company and impose a fine of HK\$73,000.



莊寶端女士
香港新界地產代理商聯會主席
Ms CHONG Bo-tuen
Chairperson of the HKNT Estate
Agents & Merchants Association

● 業界意見 Comment from trade

地產代理公司可能為了吸引客人注意，即使樓盤已經售出仍為其刊登廣告，但此舉不單違反相關規例，而且是得不償失。如果有客人被廣告吸引作出查詢，卻發現樓盤已售的話，客人可能對該地產代理公司產生負面印象，而且也浪費雙方時間。地產代理公司應不時向業主更新樓盤狀況，如有關物業已經不再可供出售，便應立即移除有關廣告。

Estate agents may advertise properties even after they have been sold in order to attract customers' attention, but this practice not only violates relevant regulations, but also does more harm than good. If customers are attracted by the advertisement but find out that the property has been sold, they will likely have a negative impression of the estate agency company, and both parties also wasted their time. Estate agents should update the status of the properties with the owners frequently, and remove the relevant advertisements immediately if the properties are no longer available for sale.

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以粗言穢語辱罵及使用暴力 Swearing with foul language and use of violence

引言

持牌人應避免做出令地產代理行業信譽及/或名聲受損的行為，否則有可能被監管局紀律處分。

Introduction

Licencees should avoid any behaviour that may bring discredit and/or disrepute to the estate agency trade in their practice. Otherwise, they may be subject to disciplinary action by the EAA.