

紀律研訊個案 Disciplinary hearing case

發布誤導的廣告

Issuance of misleading advertisements

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，否則有可能被監管局紀律處分。

Introduction

When issuing property advertisements, estate agency companies must not include any statements or material particulars that are false or misleading. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

在店舖巡查期間，監管局要求某地產代理公司就其張貼於櫥窗的一則住宅物業廣告提供訂明文件。根據該公司與業主訂立的地產代理協議（「表格5」），業主只委託該公司放租其物業。然而，該廣告上卻列出「899萬」的字眼，有可能令消費者被誤導以為該物業是出售。

Incident

During a compliance inspection, an estate agency company was requested by the EAA to provide the prescribed information of a residential property being advertised in its shop window. The signed Estate Agency Agreement (Form 5) revealed that the landlord of the property had appointed the company for leasing only. However, the advertisement included wording such as “\$8.99 million”, which might mislead consumers to think that the property was for sale.

研訊結果

監管局紀律委員會認為，該地產代理公司發出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。

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38,000元。

Result

The EAA Disciplinary Committee was of the view that the estate agency company issued an advertisement which included statements or material particulars that were false or misleading. 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 and the disciplinary record of the estate agency company, the Committee decided to reprimand the estate agency company and impose a fine of \$38,000.



何潔芝女士
地產代理人協會主席

Ms Rosanna Ho
Chairman of Property Agents Association

業界意見 Comment from trade

專業地產代理應聽從客戶的指示行事，妥善填寫地產代理協議，並在發放廣告前核實所有相關資料。此外，地產代理應做足「開門七件事」，妥備物業資料以供客戶及監管局巡查，切記不可作出任何虛假及誤導陳述。

Professional estate agents should act according to clients' instructions and fill in the estate agency agreements properly. They should also verify the accuracy of all relevant information before issuing property advertisements. In addition, estate agents should thoroughly prepare the key property information for their clients and for any EAA inspection, and never make any false or misleading representations.