

紀律研訊個案 Disciplinary hearing case

發出虛假或誤導性物業廣告 Issuance of misleading property advertisements

引言

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物業廣告，否則有可能被監管局紀律處分。

Introduction

Estate agency companies must not issue property advertisements which include any false or misleading statement or particulars. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局接獲一宗有關一個發布於網上物業平台的廣告的投訴，指該住宅物業廣告涉及誤導資訊。該則廣告的內容包括「單位樓層 低層」的字眼、該住宅物業的地址、某地產代理公司名稱、商標及牌照號碼。經監管局調查後，發現該住宅物業並非位處低層，此外，廣告上的物業地址及地產代理公司的牌照號碼亦不正確。

Incident

The EAA received a complaint about an advertisement listed on an online property portal with misleading information about a residential property. The advertisement included the wording “located on the lower floor”, the address of the property, the name and trademark of an estate agency company and its licence number. Upon investigation, the EAA found that the property was not situated on the lower floor. Additionally, the property's address and the licence number displayed on the advertisement were also incorrect.

研訊結果

監管局紀律委員會認為，該地產代理公司發出一則載有在要項上屬虛假或具誤導陳述或詳情的廣告。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，紀律委員會決定譴責該地產代理公司及向其罰款95,000港元。

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 HK\$95,000.



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● 業界意見 Comment from trade

這次的處罰嚴厲，具有阻嚇作用。社會對於地產代理的行為操守要求日益提高，地產代理行業應盡力做好，地產代理公司在處理物業廣告時要更加小心謹慎，並且對員工特別是新入職的代理提供培訓，避免有類似的情況再次發生。

The severe sanction imposed this time will have a deterrent effect. As the expectation of high ethical standards of estate agents from society is getting higher and higher, practitioners should do their very best to strive for professionalism. Estate agency companies must be more prudent when handling property advertisements. Additionally, they must provide training to employees, especially newcomers, to help prevent situations similar to this case from happening again.