



紀律研訊個案 Disciplinary hearing case

發布載有虛假牌照資料的物業廣告 Issuance of property advertisement with false licence information

引言

地產代理不得發出載有虛假牌照資料的物業廣告，否則有機會被監管局紀律處分。

Introduction

Estate agents must not issue property advertisements with false licence information. Otherwise, they may be subject to disciplinary action by the EAA.

事件經過

監管局接獲投訴，指多則發布於一個網上物業平台的物業廣告所顯示的個人牌照及公司牌照號碼屬於虛假。局方展開調查，發現該些廣告中顯示的公司牌照號碼並不存在於局方紀錄之內，而廣告中顯示的個人牌照號碼，其持牌人名稱則與局方紀錄並不相符。

監管局繼而深入調查該平台由同一戶口發放的其他物業廣告，發現擁有該戶口的持牌地產代理在三個月內發出的多則廣告中，均刊登了不存在於局方紀錄中的公司牌照號碼及屬於其他持牌人的個人牌照號碼。

Incident

The EAA received multiple complaints regarding property advertisements published on an online property portal that the displayed individual licence number and company licence number were false. Upon investigation, the EAA found that the company licence number shown in the advertisement did not exist in the EAA's records, while the individual licence number listed belonged to another licensee.

The EAA launched a further investigation into other property advertisements posted by the same account on the online property portal. It was discovered that the licensee associated with the account had published multiple advertisements over three months with non-existent company licence numbers and estate agent's licence numbers belonging to other estate agents.

結果

紀律委員會認為，涉事地產代理發出載有虛假的牌照資料的物業廣告，違反了監管局發

Result

The Disciplinary Committee was of the view that the estate agent concerned breached paragraph 3.7.2 of the *Code of Ethics* issued by the

出的《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、涉案廣告相距的發放時間、案情的嚴重性以及該地產代理的違規記錄，紀律委員會決定向該地產代理作出紀律處分，包括譴責、向其合共罰款240,000港元及在其牌照附加進修條件，包括須在24個月內，透過參加並完成地產代理監管局的持續專業進修計劃下的『合規及有效管理』類別的講座或研討會，並取得地產代理監管局認可的24個學分，當中至少有6個學分須透過參加專業操守及誠信科目的講座或研討會而獲取。

EAA which states that, "Estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade.", by issuing property advertisements with false licence information. Having considered the nature of the case, the time frame of the breaches and the disciplinary record of the estate agent, the Disciplinary Committee decided to impose disciplinary actions on the estate agent, including reprimand, imposing a total fine of \$240,000 and conditions on his licence. The estate agent is required to obtain a total of 24 points through attending seminars or workshops in "Compliance and Effective Management" category of the Continuing Professional Development Scheme within 24 months, with at least six points from seminars or workshops on the subject of Professional Ethics and Integrity.



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■ 業界意見 Comment from the trade

持牌人不應該以虛假的地產代理公司名稱或地產代理姓名發布物業廣告。此舉不但破壞業界的專業形象，也對守法循規的地產代理造成不公平的現象。持牌地產代理所發布的物業廣告須符合法規及遵從監管局規定的要求，以保障消費者的利益。

Licensees should not publish property advertisements with false estate agency company names or estate agent names. This not only tarnishes the professional image of the estate agency industry but is also unfair to the compliant estate agents. Licensed estate agents should always ensure that their property advertisements are compliant with the regulations and guidelines issued by the EAA, so that the interests of consumers can be protected.

刑事個案 Criminal case

向劏房租戶濫收水費 Overcharge subdivided unit tenants for water

引言

持牌人在處理《業主與租客（綜合）條例》第IVA部下的分間單位（俗稱「劏房」）的出租時，必須遵從監管局發出的相關執業通告（編號22-01(CR)）內的指引，包括必須提醒其客戶留意，如業主要求租戶繳付劏房的任何指明的公用設施及服務的收費的付還，或以其他方式從租戶收取該等收費的付還，而所涉款項超過業主向租戶提供的書面帳目中就有關劏房顯示的經分攤款額，將構成違反《業主與租客（綜合）條例》下的罪行。

Introduction

When handling the letting of subdivided units ("SDUs") under Part IVA of the Landlord and Tenant (Consolidation) Ordinance ("LTO"), licensees are required to comply with the guidelines under the Practice Circular (No. 22-01(CR)) issued by the Estate Agents Authority ("EAA"). Amongst which, licensees are required to draw their clients' attention that it would constitute an offence under the LTO if the landlord requires the tenant to pay for, or the landlord otherwise receives from the tenant, the reimbursement of the charges for any of the specified utilities and services for the SDUs at a sum exceeding the apportioned amount for the SDU as shown in the account in writing provided by the landlord to the tenant.