

Second estate agent sentenced to seven weeks' immediate imprisonment for contravening Residential Properties (First-hand Sales) Ordinance

An estate agent who contravened the Residential Properties (First-hand Sales) Ordinance was convicted of one count of offence today (June 27) at the Fanling Magistrates' Courts and was sentenced to seven weeks' immediate imprisonment, according to a spokesman of the Sales of First-hand Residential Properties Authority (SRPA).

The SRPA respects the ruling of the court and, given the gravity of the offence, will consider whether to lodge an appeal against the sentence after studying the judgment in detail and seeking legal advice.

The estate agent made fraudulent or reckless misrepresentations on April 5, 2021, for the purpose of inducing another person to purchase a specified residential property in a first-hand residential development phase.

This is the first time the SRPA has initiated prosecution under section 76 of the Ordinance against an estate agent for making fraudulent or reckless misrepresentations regarding mortgage terms offered by a developer.

The SRPA spokesman said that two estate agents have been convicted since the Ordinance came into force on April 29, 2013. The SRPA reminds estate agents not to make false, misleading or deceptive statements when selling first-hand residential properties. To avoid contravening the law inadvertently, estate agents should learn more about the Ordinance, provide correct information to prospective purchasers and comply with good selling practices.

The SRPA also advises prospective purchasers to be vigilant about information provided by others. Prospective purchasers should study carefully the terms of payment as set out on a price list. If there are discounts on the price, gifts, or any financial advantages or benefits to be made available by the vendor, such information will also be set out on the price list. Prospective purchasers should check with vendors or financial companies designated by vendors directly if they have any doubts about the information provided by others on mortgage loan plans.

Details of the case have been uploaded to the SRPA website at www.srpa.gov.hk/en/prosecution-cases.html for public inspection.