

宣傳越容易 違規會更易？

THE EASIER TO PROMOTE, THE EASIER TO BREACH THE RULES?

近年，五花八門的網上物業平台、社交網站等大行其道，為地產代理行業提供了不少新媒介作宣傳推廣之用。除沿用傳統的貼街招或刊登報章廣告外，不少地產代理現時也會透過不同網站發布物業廣告。某些廣告雖然引人注目，但持牌人要同時留意，在刊登任何物業廣告時，必須提供真確的物業資料，並如實反映樓盤狀況。

網上宣傳 同受監管

利用網絡進行宣傳推廣，不但方便快捷，而且接觸層面廣泛，符合「低成本、高效能」的經濟效益。因此，不少地產代理選擇於網上發布廣告，並透過網上物業平台、社交網站（如facebook、Instagram、微博等），甚至手機通訊APP（如whatsapp）發布廣告。最近，有些網站更以擴增實境（Augmented Reality）技術製作物業單位的短片，全方位展示物業面貌，冀取代傳統的睇樓模式。

其實，不論持牌人以何種模式宣傳物業或發布廣告，同樣受監管局規管。局方會不時就網上廣告進行抽查，並密切監察網上物業平台，所以，在發出廣告前先要核實清楚物業資料。

Nowadays online platforms for property transactions and social networking websites are getting more and more popular and provide new promotion channels for the estate agency trade. In addition to traditional newspaper advertisements and street advertising, many estate agents also issue property advertisements online now. Although some of these advertisements may be eye-catching and attract people's attention, licensees should note that they must provide accurate property information when issuing property advertisements online.

ONLINE ADVERTISING IS ALSO REGULATED

Online promotion is convenient, far-reaching and cost-effective. Therefore, many estate agents choose to issue advertisements via online property platforms, social networking websites (such as facebook, Instagram and Weibo) and even mobile messaging apps (e.g. WhatsApp). Recently, some websites have claimed that they can use augmented reality technology to produce videos to showcase properties in an attempt to replace the traditional way of inspecting flats.

Regardless of the medium or format of advertising, all advertisements issued by licensees for promoting properties are regulated by the EAA. The EAA conducts cyber patrols from time to time and monitors online property platforms closely. Hence, it is important for licensees to verify the property information before issuing any advertisements.

焦點話題 IN FOCUS

《地產代理條例》及其附屬條例中有關發布廣告的規定，同樣適用於網上廣告，部分主要規定如下：首先，在發出任何住宅物業廣告前，持牌人必先取得業主的書面同意，並必須以客戶所指示的價格或條款宣傳該物業。此外，所提供的物業資料必須正確無誤，例如物業位置、落成年份、單位景觀及樓面面積等。

另外，持牌人在使用物業照片時必須小心謹慎。即使兩個單位屬同一屋苑，擁有相同面積和間隔，但由於位處不同樓層，持牌人切記不可把物業甲的照片用作宣傳物業乙之用。

同時，持牌人應註明廣告的發布日期，並不時更新其廣告所載的有關資料。而在有關住宅物業不再可供出售或出租後，或有關的地產代理協議終止後，持牌人須在切實可行的範圍內盡快移除相關廣告。

一手廣告 小心犯例

近年，不少地產代理轉戰一手住宅物業市場，惟在發布一手住宅物業廣告時，有關廣告須符合《一手住宅物業銷售條例》的規定，否則有機會觸犯刑事罪行。

All the requirements which licensees must comply with for advertising under the Estate Agents Ordinance and its subsidiary legislations are also applicable to online advertisements. Some of the relevant requirements are: the vendor's written consent must be obtained prior to the issuance of advertisements for residential properties. Likewise, licensees shall not advertise the residential property at a price or on terms different from those instructed by the vendor. In addition, the property information provided in the advertisement (such as the address of the property, year of completion, property view and floor area) must be accurate.

Furthermore, licensees must exercise due care and due diligence in the use of photographs in advertisements. For example, photographs of property A must not be used to advertise property B, even if the two properties belong to the same development with the same property area and layout but are on different floors.

Licensees should also specify the date when the advertisement was issued and must verify the information from time to time in order to ensure it is up-to-date. Advertisements must be removed as soon as is practicable after the residential property concerned is no longer available for sale or leasing, or upon the termination of the estate agency agreement concerned.

BE MINDFUL WHEN ISSUING FIRST-SALE ADVERTISEMENTS

With an increasing number of estate agents participating in the sale of first-hand residential properties, estate agents must be aware that the relevant advertisements must comply with the Residential Properties (First-hand Sale) Ordinance. Otherwise, estate agents may commit a criminal offence.

例如，在某新盤價單尚未公布前，持牌人切勿向外發放該樓盤的「意向呎價」；事實上，在樓盤未取得預售樓花同意書前，是不得作任何宣傳的；而地產代理公司在發出任何宣傳物品前，也必須先取得發展商書面同意等。

另外，當編制有關宣傳物品時，地產代理公司須採取合理步驟核實廣告所載資料的準確性，並就所載資料的準確性及完整性，取得賣方的明確書面批署。還有一點要注意，就是除了以物業的實用面積作為基準外，廣告不得以其他基準表達該物業的面積或呎價的資料。

按掣之前 再三核對

現代生活與智能手機和互聯網已幾乎無法分割，相比起傳統媒體，利用手機或互聯網發布廣告，實在是更為方便快捷，十分適合需要靈活應變的地產代理行業。然而，也正因如此，持牌人容易掉以輕心，忽略了確保資料真確的重要性。

按動手機掣或電腦鍵盤掣十分容易，但按掣之前，必須再三確保資料無誤。追上時代步伐固然重要，但作為專業的地產代理持牌人，應時刻遵守相關條例，始能善用網絡媒體廣收宣傳之效。

For example, licensees must not issue the “intended unit price” of any first-sale development before the issuance of the price list. In fact, no advertising is allowed before the consent to sell of that development has been obtained. Estate agency companies must also seek the written consent from the developer before issuing any related advertisements or promotional materials.

When preparing any related promotional materials, estate agencies must take all reasonable steps to verify the accuracy of the information contained in such advertisements and seek the vendor’s endorsement in writing of the accuracy and completeness of the information contained before issuance. Furthermore, only the saleable area of the property can be adopted as the basis for quoting the floor area information and unit price of the property in the advertisement.

VERIFY AGAIN BEFORE PUBLISHING

Smartphones and the Internet are indispensable in our modern lives. Compared with the traditional medium, issuing advertisements by mobile phones or on the Internet is much more convenient and flexible, which fits the fast-paced nature of the estate agency business. Nevertheless, such convenience may cause licensees to neglect the importance of ensuring the accuracy of the information in the advertisement.

Pressing the “send” or “upload” button on mobile phones or the computer keyboard is easy. What counts is to verify the accuracy of the information before pressing the button. While capitalising on modern trends is important, a professional estate agent should always comply with the regulations or else no good publicity will come from it.

