

Circular

Circular No. 00-06 (CR)

25 April 2000

Advertisements on the Internet

In view of the proliferation of estate agency activities and the advertising of listings on the Internet, practitioners should pay attention to the following:

1. Anyone who engages in estate agency business or carries out estate agency work, regardless of the medium through which such estate agency business or work is conducted, is required to observe and comply with the Estate Agents Ordinance and its subsidiary legislation;
2. All advertisements issued by practitioners on the Internet shall comply with the regulations regarding advertisements in the Estate Agents (Licensing) Regulation ("Licensing Regulation"), including stating clearly the business name and the licence number of the estate agent concerned;
3. All advertisements relating to Hong Kong residential properties issued by practitioners on the Internet shall comply with s. 9 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation ("Practice Regulation"), which includes:
 - (a) an agent shall obtain the vendor's written consent prior to the issue of an advertisement in respect of the vendor's property;
 - (b) if an agent acts in respect of a property, he shall not advertise the property at a price or term different from that instructed by the client;
 - (c) if the residential property is to be sublet, the advertisement shall state that the property is to be sublet; and
 - (d) all advertisements shall be removed as soon as is practicable after the residential property concerned is no longer available for sale or leasing or the termination of the estate agency agreement concerned (whichever is the earlier); and
4. s. 2 of the Estate Agents Ordinance defines "advertisement" as inclusive of every form of advertisement. Practitioners promoting their business and/or listings shall comply with the relevant requirements in the Licensing Regulation and the Practice Regulation.

This Circular should be made available for the
information of all staff engaged in estate agency work