

有關物業廣告的新執業通告 New practice circular on property advertisements

鑑於公眾日益關注地產代理發出的物業廣告中之物業是否實存，以及廣告所載資料的準確性，監管局發出一份相關的新執業通告（編號 18-02 (CR)），就業界發出物業廣告提供進一步指引，該執業通告已於 2018 年 12 月 1 日生效。

根據新通告，除了在發出物業廣告前須先取得該物業的賣方／業主的書面同意，以及採取一切合理步驟核實該廣告所載資料的準確性之外，地產代理須就每一個發出廣告的物業編配一個獨有的識別編號（「物業編號」），並在廣告上清楚及可閱地述明物業編號及廣告日期。此外，地產代理公司須確保廣告所載的資料在廣告日期是準確及有效的。

另外，在有關的物業不再可供出售或租賃後或有關的地產代理協議終止後（兩者之中以較早者為準），地產代理公司須在切實可行的範圍內盡快將所有由其發出或安排發出的廣告移去。地產代理公司不可容許已過時的放盤資料在網絡空間、店舖櫥窗或其他宣傳渠道殘留多月或多年，而不將其移去。

監管局行政總裁韓婉萍女士表示：「所有廣告均為地產代理公司的資產。地產代理公司須為其發出的任何具誤導性或不準確的物業廣告負上主要的責任。他們不得從事或容許其僱員從事可能會誤導消費者的廣告宣傳手法，例如使用假盤或虛假的放盤價餌誘消費者。」

有關執業通告及「問與答」已上載於監管局網頁。監管局建議持牌人仔細閱讀，以了解更多詳情。

In regard to increasing public concern on the availability of properties and the accuracy of the particulars contained in the advertisements issued by estate agents, the EAA issued a relevant new Practice Circular (No. 18-02 (CR)) which sets out further guidelines to the trade on the issuance of property advertisements. This new Circular has taken effect from 1 December 2018.

According to the new Circular, in addition to obtaining the prior written consent of the vendors / landlords and taking all reasonable steps to verify the accuracy of the information contained in the advertisements before issuance, estate agency companies must assign a unique identification number ("Property Number") to each property to be advertised and state clearly and legibly the Property Number as well as the Advertisement Date on the advertisement. Moreover, estate agency companies must ensure that all information contained in the advertisements is accurate and valid as at the Advertisement Date.

Furthermore, advertisements should be removed as soon as is practicable after the property concerned is no longer available for sale or leasing, or the termination of the estate agency agreement concerned (whichever is the earlier). Estate agency companies must not allow obsolete listing information to float around cyberspace or remain on shop windows or other advertising channels for months or years without removing them.

The EAA Chief Executive Officer Ms Ruby Hon Yuen-ping said, "All advertisements are the assets of the estate agency companies. Estate agency companies are primarily liable for the property advertisements issued by them. They must not engage in, or allow their employees to engage in, advertising tactics which may mislead consumers, such as using sham listings or fake listing price to lure consumers."

The Practice Circular and a set of "Questions and Answers" have already been posted on the EAA's website. Licensees are advised to read them for more information.