

胡亂發布廣告 破壞行業聲譽

Reckless issuance of advertisements harms trade reputation



2020年上半年，有關發出違規廣告的投訴由去年同期的29宗急升至41宗，監管局希望提醒持牌人，發布違規廣告會破壞整個行業的聲譽。

違規廣告的常見類別

最常見的違規廣告是店舖櫥窗廣告欠缺獨有物業編號及廣告日期，其他違規類別則包括：發出廣告前未有取得賣方的書面同意、發出虛假或具誤導性陳述的廣告（例如刊登其他物業的照片或圖像、提供客戶指示以外的價格或其他不正確的物業資訊），以及宣傳物業時沒有按照客戶的指示。

In the first half of 2020, the number of complaints concerning issuance of non-compliant property advertisements recorded a sharp increase from 29 cases to 41 cases during the same period last year. The EAA would like to remind all licensees that non-complaint advertisements harm the reputation of the trade as a whole.

Common types of non-compliant advertisements

The most common non-compliant property advertisements were shop window advertisements without a unique property number and advertisement date. Other types of non-compliance included: advertisements without the vendor's prior written consent, issuance of false or misleading advertisements (such as publication of photographs or images that belonged to other properties, provision of property prices or other incorrect property particulars not instructed by the client) and advertisements in contravention of the vendor's instructions.

發布網上廣告必須謹慎

隨着網上物業廣告日益普及，地產代理在發布此類廣告時必須小心謹慎。同時，監管局亦加強了網上巡查，並大幅增加抽查網上樓盤廣告和網上物業平台的次數。

與透過傳統媒體（如在報章雜誌和在櫥窗）發布廣告的做法一樣，地產代理在發出網上廣告前，必須先取得業主的書面同意，並採取一切合理步驟核實載於廣告上的資料準確無誤。此外，網上廣告上亦須清楚述明地產代理的牌照號碼、獨有的物業編號及廣告日期。

同時，地產代理應在有關物業不再可供出售或租賃、或有關的地產代理協議終止後（兩者中以較早者為準），於切實可行的範圍內盡快從網絡中移除有關廣告。



Be prudent when issuing online advertisements

As online property advertisements are becoming increasingly common, estate agents should be very prudent when issuing them. Simultaneously, the EAA has expanded its cyber patrols and has significantly increased the number of spot checks on online property advertisements and online property platforms.

Similar to issuance of property advertisements in the traditional ways such as in print media or in shop windows, estate agents should obtain the vendor's prior written consent before publication of online advertisements and take all reasonable steps to verify the accuracy of the information contained in the advertisements. In addition, the licence number of the estate agent, unique property number and advertisement date must also be clearly stated in the online advertisements.

Also, estate agents should remove the relevant advertisements from cyberspace as soon as practicable after the property concerned is no longer available for sale or leasing; or after the termination of the estate agency agreement concerned, whichever is earlier.





於公眾地方張貼廣告

另外，地產代理需要注意，在公眾地方如電燈柱上張貼廣告，是極不專業的行為，並同時嚴重損害地產代理業界的聲譽。這種不負責任的行徑不但會對行人、道路使用者及附近居民構成滋擾，更會觸犯《公眾衛生及市政條例》。監管局譴責此等行為，並已加強巡查及到訪相關的地產代理商舖給予警告。與此同時，局方已透過新聞發布會及媒體專欄，公開譴責未經許可在街上展示招貼的害群之馬，並呼籲消費者不要致電刊登於這些街招上的電話號碼，因其所載物業資料的準確性及發布者的身分皆成疑。監管局亦已聯絡食物環境衛生署，商討共同跟進有關問題。

結語

持牌人不要低估發出違規廣告對行業的負面影響。在消費者眼中，此等行為會造成業界不可靠的形象。持牌人向公眾發布物業資訊前，必須盡量小心和盡一切應盡的努力，並遵守監管局不時向持牌人發出有關物業廣告的指引。局方亦決心打擊違規的持牌人，其管理層亦可能因未能制訂妥善和有效的程序及制度以管理其業務而遭監管局紀律處分。

Affixing advertising materials in public area

Furthermore, estate agents should also note that affixing advertising materials on street furniture such as on lamp posts is extremely unprofessional and will severely damage the reputation of the trade. Such irresponsible behaviour will not only annoy pedestrians, road users and nearby residents, but will also violate the Public Health and Municipal Services Ordinance. The EAA condemns such behaviours and has stepped up its patrols and visits to the concerned agency shops to issue relevant warnings. In addition, through the EAA's press conferences and media columns, it has criticised unauthorised display of bills on the street and appealed to consumers not to call the phone numbers on those bills as the identities of the advertisers and also the reliability of the information therein are uncertain. The EAA has also liaised with the Food and Environmental Hygiene Department with a view to dealing with the matter jointly.

Conclusion

With respect to issuance of non-complaint advertisements, licensees must not under-estimate the negative impact they will have on the trade as they will create an untrustworthy image of the estate agency trade in the eyes of the public. Licensees should exercise due care and diligence before publication of property information to the public and comply with all the relevant guidelines on property advertisements issued by the EAA from time to time. That said, the EAA is determined to discipline those non-compliant licensees and their management may also be disciplined for failing to establish proper and effective procedures and systems to manage their business.