

在《專業天地》內，我們會分享近期常見的投訴個案或違規情況，作為對持牌人的提醒。

In *Horizons*, we will share some recent common complaints or malpractice as a reminder to licensees.

監管局近月接獲多宗涉嫌假冒一手住宅物業項目官方網站的投訴。該些疑似假冒網站的版面設計、內容及網址均與發展項目賣方的指定官方網站相似。部分涉事網站以可安排潛在買家預約視察示範單位為名，從而套取潛在買家的個人資料。

由於這些個案與一手住宅物業銷售有關，亦可能涉及網上詐騙等嚴重刑事罪行，監管局已把個案轉介至一手住宅物業監管局及警方網絡安全及科技罪案調查科作刑事調查。如有證據顯示假冒網站由持牌人發出，監管局亦會對相關人士採取紀律行動。若持牌人被刑事定罪，其牌照有可能被監管局撤銷。

監管局提醒持牌人，在發出一手住宅物業廣告時須遵守地產代理條例及其附屬法例的相關規定，以及由本局發出的《操守守則》及所有適用指引的規定（包括執業通告（編號13-04(CR)及編號18-02(CR)）。當中訂明，除地產代理公司外，其他持牌人不得發出任何廣告或宣傳品。地產代理公司在發出包括任何廣告或宣傳品前，亦須事先取得賣方的書面同意。此外，地產代理公司亦須取得賣方就宣傳物品所載資料的準確性及完整性的明確書面批署及確保符合一手住宅物業銷售條例的規定。廣告亦必須載有地產代理公司的營業名稱、地產代理的牌照號碼或營業詳情說明書的號碼、獨有的物業編號及廣告日期。

The EAA has received a number of complaints in recent months regarding fake websites of first-hand residential developments. The layout, contents and the URL of these fake websites are similar to those of the official websites designated by the vendors of the developments. Some of the websites seek to collect the personal data of the potential buyers by claiming that they could arrange show flat visits.

As the cases are related to the sale of first-hand residential properties and may involve serious criminal offences such as online fraud, the EAA has referred the cases to the Sales of First-hand Residential Properties Authority and the Cyber Security and Technology Crime Bureau of the Hong Kong Police Force for criminal investigation. In addition, if there is evidence to show that the fake websites are issued by licensees, the EAA will also take disciplinary action against the relevant licensees. If a licensee is convicted of a criminal offence, his/her licence may be revoked by the EAA.

The EAA would like to remind licensees that licensees must comply with the relevant provisions of the Estate Agents Ordinance and its subsidiary legislations, as well as the Code of Ethics and all applicable guidelines (including Practice Circular (No. 13-04(CR) and (No. 18-02(CR)) issued by the EAA when issuing advertisements on first-hand residential properties. No advertisement or promotional materials must be issued by licensees other than estate agency companies. Estate agency companies must obtain the written consent of the vendor before they issue any advertisement or promotional materials. Moreover, estate agency companies must obtain the vendor's express endorsement in writing on the accuracy and completeness of the information contained in promotional materials and ensure compliance of the relevant requirements in the Residential Properties (First-hand Sales) Ordinance. The advertisement must state the business name of the estate agency company, estate agent's licence number or number of the Statement of Particulars of Business, Property Number of that particular property and the date of issuance of the advertisement.

