

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.

現時地產代理的宣傳手法日趨多元，網上廣告與社交平台推廣已成為主流。然而，監管局近期仍接獲投訴，指有持牌人涉嫌未經准許於電燈柱及路標指示柱等公共設施張貼街招廣告，並於行人路隨意擺放廣告牌，對路人造成阻礙或不便。

監管局已透過執業通告編號09-04(CR)及18-03(CR)明確指出，此類宣傳方式實屬違法行為。根據《公眾衛生及市政條例》第104A條的規定，凡在任何私人土地而未經私人土地的擁有人或佔用人書面准許，或在任何政府土地而未經主管當局（即食物環境衛生署署長）書面准許，而展示或張貼招貼或海報，即屬犯罪。同時，根據《簡易程序治罪條例》第4A條，任何人士無合法權力或解釋而陳列或留下任何物品，而該些物品可能對在公眾地方的人士或車輛造成阻礙、不便或危害者，即屬犯罪。

此外，地產代理公司的僱主和管理層亦必須遵守《地產代理常規（一般責任及香港住宅物業）規例》第15條，設立妥善的程序或制度，監督和管理其地產代理工作的業務，以確保其僱員或其轄下的人遵守相關的規定和指引。

此等違法宣傳方式不但影響市容，亦嚴重損害地產代理業界的聲譽及專業形象。地產代理公司應加強員工的培訓及監督，確保以合規方式發放物業廣告。如有持牌人違反上述條例，除須承擔刑事責任外，亦將面臨監管局的紀律處分。紀律委員會曾就一宗違規張貼街招廣告的個案，判處涉事營業員合共81,600港元的罰款及暫時吊銷其牌照3個月。監管局敦促持牌人須嚴格遵守法律規定，切勿以身試法。同時，監管局已加強巡查與執法，一經發現違規情況，定必依法嚴肅處理，以維護行業專業形象。

The promotional methods used by estate agents are increasingly diverse nowadays, with online advertising and social media promotion being the mainstream. However, the EAA recently still received complaints regarding licensees suspected of, without permission, affixing advertising bills to lampposts, road sign poles and other public facilities, and placing advertising boards randomly on pedestrian walkways, thereby causing obstruction or inconvenience to pedestrians.

The EAA clearly stated through its Practice Circulars (No. 09-04(CR)) and (No. 18-03(CR)) that the use of such promotional methods is in contravention of the law. According to section 104A of the Public Health and Municipal Services Ordinance, a person displaying or affixing a bill or poster on any private land without the written permission of the owner or occupier thereof or on any Government land without the written permission of the authority (Director of Food and Environmental Hygiene) commits an offence. Also, according to section 4A of the Summary Offences Ordinance, any person who, without lawful authority or excuse, sets out or leaves anything which obstructs, inconveniences or endangers any person or vehicle in a public place shall be guilty of an offence.

In addition, the employer and management of an estate agency company shall comply with section 15 of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation to establish proper procedures or systems to supervise and manage their business of doing estate agency work to ensure that their employees or persons under their control comply with the requirements and guidelines.

These illegal promotional methods do not only affect the cityscape, but also severely damage the reputation and professional image of the trade. Estate agency companies should strengthen staff training and supervision to ensure that the property advertisements are issued in a compliant manner. Licensees who violate the above provisions will not only be held criminally liable but may also face disciplinary action by the EAA. In a case involving unauthorised affixing of advertising bills, the Disciplinary Committee imposed a total fine of HK\$81,600 on the salesperson concerned and temporarily suspended his licence for three months. The EAA urges all licensees to strictly adhere to the legal requirements and not to defy the law. The EAA has also stepped up inspections and enforcement measures. Any non-compliance found will be dealt with by the EAA seriously in accordance with the law, to safeguard the professional image of the trade.