

有關銷售一手住宅樓盤的最新執業通告

New practice circular on first sale of residential properties



監管局執業及考試委員會主席梁永祥先生和規管及法律總監劉淑榮女士舉行記者會，簡介局方就一手樓盤銷售發出新的執業通告。

Chairman of the Practice & Examination Committee of the EAA Mr William Leung Wing-cheung and EAA Director of Regulatory Affairs & General Counsel Ms Eva Lau brief the press on the new practice circular on first sale of residential properties.

監管局已就有關規管一手住宅樓盤的銷售發出最新執業通告，該通告已於2011年5月1日生效。

新的執業通告（即編號11-02(CR)）主要規管地產代理從業員在推銷一手住宅樓時的操守，用以取代監管局於去年發出的通告（即第10-03(CR)號通告）。新執業通告的重點包括以下各項：

1. 員工培訓

為員工提供適當培訓，確保員工具備所需知識及專業技能，依法進行一手住宅樓盤的銷售活動。

2. 員工監督

委任員工監督以監督一切有關一手住宅樓盤銷售活動的操守事宜。

3. 樓盤銷售前簡介會

在促銷每個一手樓盤前，為員工提供樓盤銷售前簡介會。

簡介會須包括但不限於介紹樓盤資料以及監管局就有關一手住宅樓盤銷售活動的操守及秩序發出的指引。

妥善保存簡介會的紀錄，並須應監管局的要求呈交有關紀錄。

4. 質素控制

採取合理措施確保及監察參與一手樓盤銷售的員工依從簡介會所提供的指引，按照法例及監管局頒佈的指引進行推廣活動。

5. 不受「同意方案」規管的樓盤說明書

以書面形式建議發展商按「法律諮詢及田土轉易處」不時對「同意方案」規管範圍下的樓盤的要求提供售樓說明書。

EAA issued a new practice circular on the sale of first-hand residential properties which has taken effect since 1 May 2011.

The new circular (circular no. 11-02(CR)), replacing the circular issued last year (circular no. 10-03(CR)), regulates the conduct in promotional activities in relation to the first sale of residential properties. Gist of the new practice circular includes:

1. Staff training

Give proper training to staff to ensure that they are equipped with the necessary knowledge and expertise to handle the first sale of residential properties in compliance with the law.

2. The controller

Appoint a controller to oversee all matters relating to the conduct in promotional activities in the first sale of residential properties.

3. Pre-sale briefings

Provide a pre-sale briefing(s) to staff prior to their conducting any promotional activities for the sale of units in each development.

The pre-sale briefing(s) must include, but not limited to, information about the development and guidelines given by the EAA regarding the conduct in promotional activities and order at first-sale sites.

Keep proper records of the pre-sale briefing(s) and supply such records to the EAA upon request.

4. Quality control

Take reasonable measures to ensure and monitor staff involved in promotional activities of the first-sale follow the guidelines given in pre-sale briefing(s) and conduct promotional activities in compliance with the law and guidelines promulgated by the EAA.

5. Sales brochures for developments not subject to the Consent Scheme

Advise the developer in writing to follow the requirements of the Legal and Advisory And Conveyancing Office for the Consent Scheme to provide sales brochure.

6. 宣傳物品

發出宣傳物品前，核實宣傳物品所載資料的準確性及取得發展商就所載資料的準確性的明確書面批署。

7. 售樓說明書及價目表

不得自行編制售樓說明書或價目表。

監管局執業及考試委員會主席梁永祥先生聯同監管局規管及法律總監劉淑棻女士，於2011年4月12日舉行新聞發布會，公布新的執業通告的主要內容。發布會吸引了26間傳媒機構採訪，各大主要電子及印刷傳媒於當日及隨後數日報道了有關新執業通告的消息。

新執業通告已經生效，各地產代理須切實遵照新執業通告內的規定及指引行事。監管局亦於發出執業通告後，舉辦了一手樓盤銷售新指引的專題講座。

6. Promotional materials

Verify the accuracy of the information in the promotional materials and obtain the developer's express endorsement in writing of the accuracy of the information contained therein before issuance.

7. Sales brochures and price lists

Do not prepare their own sales brochures or price lists.

Chairman of Practice and Examination Committee of the EAA Mr William Leung Wing-cheung and EAA Director of Regulatory Affairs & General Counsel Ms Eva Lau hosted a press briefing on 12 April 2011 to announce the content of the new practice circular. Representatives of 26 media groups attended the briefing. Major electronic and print media issued news reports about the new practice circular on the same day and the next few days.

The new practice circular is now in effect. Estate agents must comply with the regulations and guidelines in the circular. The EAA has organized a seminar regarding the new guidelines on the sale of first-hand properties after the issuance of the practice circular.

245名持牌人獲推薦參加 內地與香港地產代理專業資格互認計劃

245 licensees nominated to participate in the scheme of mutual recognition of professional qualifications of estate agents in the Mainland and Hong Kong

申請參加內地與香港地產代理專業資格互認計劃下的第一期培訓課程及考試，已於2月底截止報名。共有245名申請人通過資格審核，獲推薦參加於7月舉行的培訓課程及考試。

根據該計劃，符合資格的香港持牌地產代理，可申請推薦參與該計劃。監管局在限期屆滿時共收到266份申請，其中有其中245名申請者獲監管局批核及推薦。

該批獲得監管局推薦的申請人，將參加於2011年7月18至20日於深圳舉行的培訓課程和考試。凡完成訓練課程並通過考試的香港考生，可於考試合格後的12個月內申請在內地執業的資格。

互認計劃的安排得以落實，實有賴監管局於2009年成立的互認計劃工作小組制訂計劃的細節。監管局衷心感謝工作小組為計劃付出寶貴意見、努力和時間。工作小組的成員包括：黃嘉純先生（主席）、王羅桂華女士、洪小蓮女士、馬少雄先生、郭昶先生及葉潔儀女士。（排名按照中文姓氏的筆劃序）

Application for nomination for the training course and examination for the first phase of the scheme of mutual recognition of professional qualifications of estate agents in the Mainland and Hong Kong was closed at the end of February 2011. A total of 245 applicants are eligible and nominated to participate in the training course and examination scheduled for July.

According to the scheme, the EAA can nominate licensees who have fulfilled a number of requirements to participate in the scheme. Within the period of application, the EAA received a total of 266 applications, of which 245 applications were approved and nominated.

Candidates nominated by the EAA will participate in the training course and take the examination to be held from 18 to 20 July 2011 in Shenzhen. Upon completing the course and passing the examination, Hong Kong candidates can apply within 12 months for a qualification to practise in the Mainland.

The scheme went ahead smoothly, thanks to the efforts of the CEPA Working Group, which was formed by the EAA Board in 2009 and responsible for designing the implementation details of the scheme. The EAA would like to thank members of the Group for their invaluable advice, as well as time and efforts spent. Members of the Group included: Mr Lester Huang (Chairman), Mrs Karen Wong Law Kwai-wah, Ms Katherine Hung Siu-lin, Mr Paul Ma Siu-hung, Mr Anthony Kwok Chong, and Ms Kitty Ip Kit-ye (the order is set in accordance with the number of strokes of their Chinese surnames).