

## 規管一手住宅物業銷售建議法例公眾諮詢

### Public consultation on the proposed legislation to regulate the sale of first-hand residential properties

為提高一手住宅物業銷售的透明度，以加強對消費者的保障，政府於2010年10月成立「立法規管一手住宅物業銷售督導委員會」（督導委員會），具體討論立法規管一手樓宇銷售事宜。監管局的代表是委員會的成員之一，積極參與有關討論，並就監管局在規管地產代理銷售一手樓的活動經驗提供意見。

督導委員會於2011年10月完成工作，並向運輸及房屋局提交了詳細的建議。運輸及房屋局在考慮督導委員會的建議後，草擬了建議法例，於2011年11月29日展開為期兩個月的公眾諮詢，以聽取公眾對建議法例的意見。

建議法例包括以下幾個重點：

1. 全面規管一手住宅物業的銷售；
2. 為售樓說明書和價單訂下全面、詳細和明確的規定。發展商須於物業開售前最少七天公布售樓說明書，和須在開售前最少三天公布價單；
3. 採用已有標準定義的「實用面積」，並以此為表達每個單位面積及呎價的唯一基準；
4. 賣方須設立成交紀錄冊用作披露成交資料。有關資料須於簽訂臨時買賣合約的24小時內和簽訂買賣合約的1個工作天內載入紀錄冊；
5. 禁止作出失實陳述和發放虛假或具誤導性的資料。違例者最高罰款500萬元和監禁七年；和
6. 設立擁有相關法定權力的執法當局，負責執行建議法例。

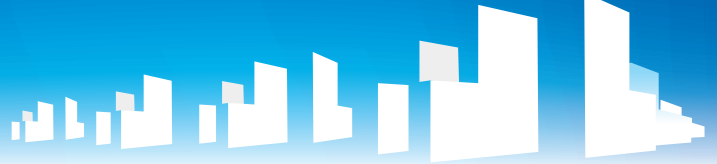
為幫助地產代理業界了解有關建議法例，運輸及房屋局代表於2011年12月15日出席了一次特別為業界而設的簡布會，出席的地產代理業人士有53人，包括來自八個地產代理商會和多間經常參與一手住宅樓盤銷售的地產代理公司代表。局方除介紹有關建議法例的主要內容外，亦就建議法例與業界交流意見。

In order to enhance the transparency of the sale of first-hand residential properties and consumer protection, the Government established the Steering Committee on the Regulation of the Sale of First-hand Residential Properties by Legislation (the Steering Committee) in October 2010 to discuss specific issues on regulating the sale of first-hand flats by legislation. The EAA was a member of the Steering Committee, participated actively in the discussion and gave advice making reference to its experience in regulating the sales activities of estate agents in first sales.

The Steering Committee completed its work in October 2011, and submitted detailed recommendations to the Transport and Housing Bureau (THB). Having considered the Steering Committee's recommendations, THB came up with a draft legislation and launched a two-month public consultation exercise to listen to the views of the public on the proposed legislation.

The draft legislation comprises the following key features:

1. Regulating the sale of first-hand residential properties;
2. Setting out comprehensive, detailed and specific requirements for sales brochures and price lists. Property developers will have to make public the sales brochures at least seven days and the price lists at least three days before the commencement of sale;
3. Adopting "saleable area" which has a standardized definition as the only basis for quoting the unit area and unit prices of flats;
4. Requiring developers to maintain a Register for disclosing transaction information within 24 hours after the signing of the preliminary agreements for sale and purchase and within 1 working day after the signing of the agreements for sale and purchase;
5. Prohibiting misrepresentation and the dissemination of false or misleading information. A person who commits such an offence is liable for a maximum



監管局鼓勵從業員多了解建議法例的內容，以及提出意見。建議法例及諮詢文件可於各區民政事務處索取，或於運輸及房屋局網頁 ([www.thb.gov.hk](http://www.thb.gov.hk)) 下載。諮詢期於2012年1月28日完結。

監管局會密切留意建議法例的立法進展，待有關法例及措施的詳情落實後，如有需要，會向業界發出執業通告。



運輸及房屋局的代表向地產代理從業員講解規管一手住宅物業銷售建議法例。(左起) 首席助理秘書長(特別職務) 朱潘潔雯女士、首席助理秘書長(房屋)(私營房屋) 馮建業先生、副秘書長(房屋) 李麗儀女士、高級政務主任(私營房屋)(特別職務) 高怡慧女士。

Representatives of the Transport and Housing Bureau brief the estate agency practitioners on the proposed legislation to regulate the sale of first-hand residential properties. From left: Mrs Hedy Chu, Principal Assistant Secretary (Special Duties), Mr Eugene Fung, Principal Assistant Secretary (Housing)(Private Housing), Ms Annette Lee, Deputy Secretary (Housing), Miss Sharon Ko, Senior Administrative Officer (Private Housing)(Special Duties).

penalty of a \$5 million fine and seven years' imprisonment;

6. Setting up an enforcement authority with relevant powers to implement the proposed legislation.

THB's representatives attended a briefing session exclusively for the estate agency trade to help the trade understand more about the proposed legislation on 15 December 2011. A total of 53 members of the trade attended, including representatives from eight trade associations and various estate agency companies frequently involved in the sale of first-hand properties. In addition to introducing the key features of the proposed legislation, THB also exchanged views with the trade on the draft legislation.

Practitioners are encouraged to understand more about the proposed legislation and express their views. The proposed legislation and the consultation paper can be obtained at District Offices or downloaded from THB's website ([www.thb.gov.hk](http://www.thb.gov.hk)). The consultation period will end on 28 January 2012.

The EAA will closely monitor the legislative process of the proposed legislation. Upon the implementation of the legislation and relevant measures, the EAA may issue a practice circular to the trade if necessary.

## 業界聯絡會議 Trade Liaison Meeting

監管局在2011年12月15日舉行季度業界聯絡會議，與八個商會的代表討論了多個議題，包括與保障客戶個人資料執業通告相關的問題與解答、監管局稍後與廉政公署聯合出版《優質執業手冊》，及內地與香港地產代理專業資格互認安排進展等。

監管局正研究要求業界將實用面積的資料應用於二手樓宇買賣及租賃事宜上。就此，監管局在業界聯絡會議及兩個從業員聚焦小組會議內收集意見。業界普遍明白，採用實用面積是公眾要求及大勢所趨，而從業員亦一向有透過差餉物業估價署的「物業資訊網」網上服務，查詢住宅物業(鄉村式屋宇除外)的實用面積、樓齡及其他資料。監管局會詳細諮詢業界意見，再草擬執業通告。

The EAA held a quarterly trade liaison meeting on 15 December 2011 and discussed a number of topics of concerns to the trade with representatives of eight trade associations. Topics included the questions and answers on the practice circular on personal data protection, the *Best Practice Checklist* which would be co-published by the EAA and the Independent Commission Against Corruption in the near future, and the progress of the mutual recognition scheme of professional qualifications between estate agents in the Mainland and Hong Kong.

As the EAA is considering the feasibility of requiring the trade to adopt "saleable area" in the sale and purchase and leasing of second-hand properties, the EAA collected views from the trade at the trade liaison meeting and two other focus group meetings for practitioners. The trade generally understands that there is a growing public demand for adopting "saleable area". Practitioners have also been using the service of "Property Information Online" provided by Rating and Valuation Department on enquiry on saleable area, age and other information of residential properties (excluding village type houses). The EAA will consult the trade in detail before drafting the relevant practice circular.