

專業 天地 HORIZONS

www.eaa.org.hk

2012年6月

June 2012



監管局發出有關提供 二手住宅物業面積的執業通告

為了推動地產代理提供準確清晰的物業樓面面積資料，監管局發出新執業通告，要求地產代理就推銷二手住宅物業發出的廣告宣傳及向客戶提供物業樓面面積的資料時，必須提供有關物業的實用面積。執業通告將於2013年1月1日正式實施。

監管局於2012年5月22日舉行記者會，公布新執業通告的重點。新執業通告要求地產代理在向客戶提供二手住宅物業樓面面積的資料時，必須先提供從差餉物業估價署(估價署)或物業首次轉讓的買賣協議(首次協議)取得的實用面積資料，倘若該物業實用面積並不能從估價署或首次協議中取得，代理可提供物業的建築面積或其他樓面面積資料。

執業通告容許地產代理在提供實用面積的同時，也可提供建築面積，但在廣告中表述實用面積的字體不可比表述建築面積的字體小。

監管局執業及考試委員會主席梁永祥先生表示，雖然市場一直沿用建築面積，但建築面積沒有統一定義。實用面積則自2008年起有了統一定義，能夠提供一個較清晰及客觀的準則。隨着政府推動立法規定一手住宅物業須劃一採用實用面積，二手住宅物業最終也必須採用同一標準。

監管局規管及法律總監劉淑棻女士重申，地產代理一向須要按照《地產代理常規(一般責任及香港住宅物業)規例》(《常規規例》)的要求，從估價署或首次協議中取得實用面積的數據，並向客戶提供相關的資料，除非有關資料不能從估價署或首次協議中取得，故此，有關要求不應為代理構成額外成本。她又強調，從上述兩個來源以外取得的實用面積均並非《常規規例》中訂明的來源。

梁永祥先生補充，業界為遵行通告，可能要更改電腦程式而增加成本，但該等成本將是一次性的。日後劃一採用實用面積的一手住宅物業流入二手市場時，有關的更改是無可避免。

監管局會採取循序漸進的步伐推動新指引，通告正式實施日期定於2013年1月1日，讓業界有逾半年時間做好準備工作。至於何時只限使用實用面積，監管局沒有定下時間表，視乎公眾的適應情況而定。

監管局將會舉辦進修課程及巡查，教育及協助業界達致通告的要求。監管局並會加強公眾教育的工作，例如廣告宣傳及展覽等，以協助消費者了解和適應。

欲了解執業通告的詳情，可登入監管局網頁。



監管局執業及考試委員會主席梁永祥先生聯同規管及法律總監劉淑茱女士舉行記者會，簡介最新的執業通告。

Chairman of the Practice and Examination Committee of the EAA, Mr William Leung, and Director of Regulatory Affairs and General Counsel, Ms Eva Lau, briefed the press on the new circular.

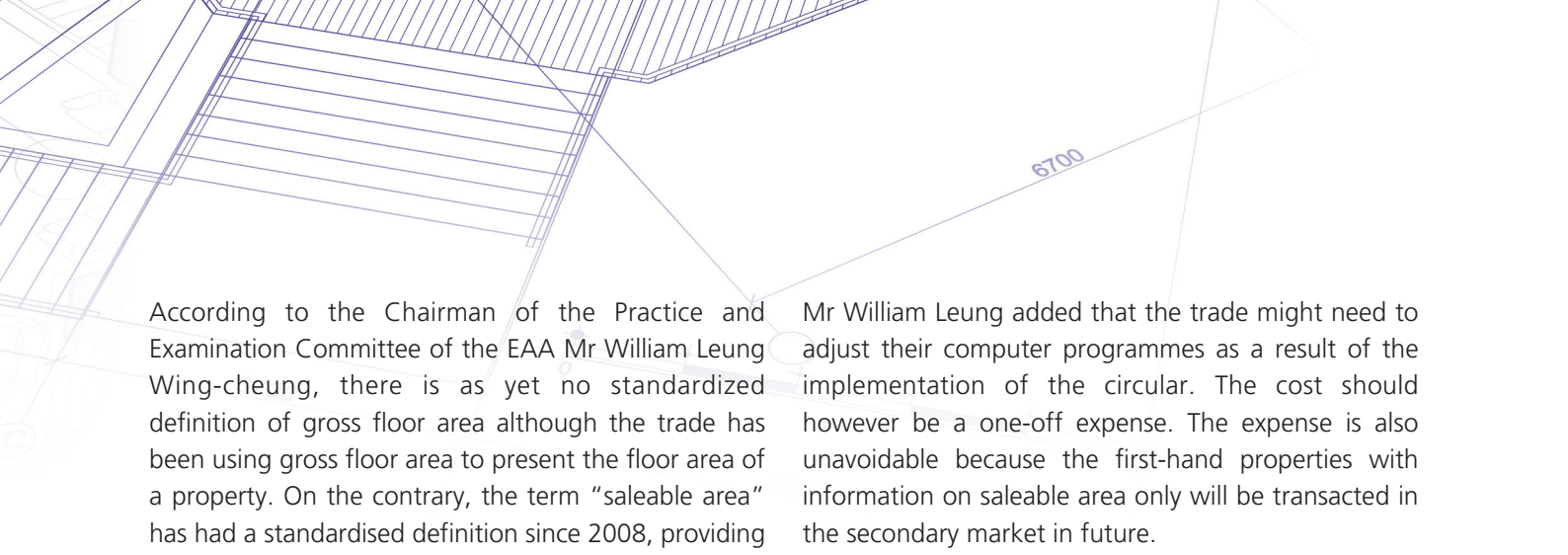
EAA issues new practice circular on provision of floor area information for second-hand residential properties

To promote estate agents to provide accurate and clear property floor area information to consumers, the EAA issued a new practice circular requiring estate agents to provide information on the saleable area of a second-hand residential property to their clients in advertisements and in provision of the floor area information of the property. The circular will come into effect on 1 January 2013.

A press briefing was held on 22 May 2012 to announce the key points on the new practice circular. The new circular requires estate agents to provide the information of saleable area first in the provision of the floor area information of a second-hand residential property to their clients. The saleable area of the

property should be obtained from either the Rating and Valuation Department (RVD) or the agreement for sale and purchase of the first assignment of the property registered in the Land Registry (first agreement). Estate agents may provide the gross floor area or other floor area information of the property if the saleable area of the property cannot be obtained from either the RVD or the first agreement.

The circular allows estate agents to provide information on both the saleable area and the gross floor area of a property. However, the font size used regarding the saleable area shall be no smaller than that of the gross floor area of the property.



According to the Chairman of the Practice and Examination Committee of the EAA Mr William Leung Wing-cheung, there is as yet no standardized definition of gross floor area although the trade has been using gross floor area to present the floor area of a property. On the contrary, the term “saleable area” has had a standardised definition since 2008, providing a clearer and better basis for the consumers. With the proposed adoption of saleable area for first-hand residential properties via legislation by the Government, the second-hand residential properties will eventually adopt the same yardstick.

Director of Regulatory Affairs and General Counsel of the EAA Ms Eva Lau reiterated that in accordance with the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation (Practice Regulation), estate agents are required to provide the information on saleable area of a property obtained from the RVD or the first agreement unless the saleable area of the property cannot be obtained from either the RVD or the first agreement. There is therefore no additional cost incurred in complying with the practice circular. She emphasised that sources other than the RVD and the first agreement are not the prescribed sources under the Practice Regulation.

Mr William Leung added that the trade might need to adjust their computer programmes as a result of the implementation of the circular. The cost should however be a one-off expense. The expense is also unavoidable because the first-hand properties with information on saleable area only will be transacted in the secondary market in future.

The EAA will take a progressive approach to implement the new guidelines. With the circular’s official implementation date set for 1 January 2013, the trade has over six months to prepare for the change. As for the exact timing when only “saleable area” is allowed to be used, the EAA does not have a timetable. It depends on how quickly the general public adopts the use of saleable area.

The EAA will assist the trade in meeting the circular’s requirements through professional development courses and educational visits to estate agency shops. Publicity programmes such as advertising and exhibitions will be launched to help consumers to familiarize with the concept of “saleable area”.

The practice circular can be viewed on the EAA website.

牌照目錄及持牌人紀律處分紀錄

監管局更新了網上牌照目錄的設計，使其更簡單易用，方便使用者確認相關人士是否持有牌照及其牌照有效期，並連結至紀律處分紀錄網頁，以便確認該人士兩年內有否受到紀律制裁。

同時，監管局已將過去每月公布的持牌人紀律處分資料，與網上紀律處分搜尋器整合。透過該搜尋器，可查詢個別持牌人兩年內的紀律處分和上訴紀錄，或查詢兩年內個別月份的所有紀律處分和上訴紀錄。

此外，查詢持牌地產代理的電話系統(3102 0838)已於2012年3月起終止服務，查詢人士可轉用網上牌照目錄。

Licence list and disciplinary records search

The online licence list has been redesigned and become more user-friendly. It facilitates users to ascertain whether the person concerned is licensed and its licence’s validity. It is also hyperlinked to the web page of licensees’ disciplinary records so that users may ascertain whether any action has been taken by the EAA against that person in the past two years.

The EAA has also integrated the previous monthly announced disciplinary records list with the disciplinary records search engine. The engine enables search of a particular licensee’s disciplinary and appeal records in the past two years or all disciplinary and appeal records in a specific month in the past two years.

The Licensee Information Hotline (3102 0838) has discontinued since March 2012. Enquirers are advised to use the online licence list instead.