

## 執業問與答 Practice Q & A

由本期《專業天地》起，我們會解答與持牌人執業息息相關的一些常見提問。

Starting from this issue of *Horizons*, we will list out the answers to selected enquiries commonly raised by licensees concerning estate agency practice.

**問：**向準買家提供優惠是銷售一手住宅物業的常用手法，亦經常有準買家向我們查問有否提供現金回贈。在《一手住宅物業銷售條例》（「《銷售條例》」）生效後，我們還可以向準買家提供優惠嗎？

**答：**持牌人是否可就其代理的一手樓盤向準買家提供優惠，需視乎持牌人所屬的地產代理公司與賣方就有關銷售該樓盤而訂立的協議或委託書的內容，亦屬於該地產代理公司的商業決定。《銷售條例》只要求賣方必須在相關價單內列明所提供優惠的資料，當中並無就地產代理在提供優惠方面有任何訂明。然而，監管局曾發出執業通告（編號13-04(CR)），提醒持牌人在處理一手住宅物業銷售時要注意的事項，當中包括提供優惠的指引。

在提供優惠時，持牌人必須將優惠詳情告知準買家，並說明該優惠是由賣方提供，抑或是由其所屬的地產代理公司提供。如果優惠是由地產代理公司提供，持牌人必須將其提供予準買家的任何優惠以書面形式向準買家作出，並具體列明提供優惠的條款及形式。

**Q: Providing incentives to prospective purchasers is a common tactic in first sale. It is also often that prospective purchasers ask us for cash rebates. Are we allowed to provide incentives to prospective purchasers after the Residential Properties (First-hand Sales) Ordinance ("the Ordinance") has come into effect?**

**A:** Whether licensees can provide incentives to purchasers depends on the terms of agreement or letter of appointment signed between licensees and vendors. It is also a commercial decision made by licensees. The Ordinance only requires vendors to set out in the relevant price list the incentives they offer. There is no provision on what estate agents must do when offering incentives. However, the EAA issued a Practice Circular (no 13-04 (CR)) to remind licensees of the points to note when handling first sale of residential properties and there are guidelines on providing incentives.

When providing incentives, licensees must inform the prospective purchaser of the details and state clearly whether the incentives are offered by the vendors or their estate agency companies. If the incentives are offered by estate agencies, licensees must set out in writing any incentives that they have offered to the prospective purchaser, and stipulate clearly the terms and format of the incentives so offered.

**問：**有一位準買家說他沒有準備銀行本票來抽籤購買一手住宅物業。我的公司可否為他開票，以他的名義向賣方入票抽籤？

**答：**在任何情況下，不論是否準買家主動要求，持牌人均不得向準買家提供或提出提供貸款，不論貸款的目的為何。

**Q: A prospective purchaser said he did not have a cashier's order to join the lot drawing for purchasing a first-hand residential property. May I submit a cashier's order issued by my agency company to the vendor for the lot drawing on behalf of the prospective purchaser?**

**A:** Under any circumstances, licensees must not offer or make loans, for any purpose, to a prospective purchaser, even if the prospective purchaser requests licensees to do so.