

執業問與答

PRACTICE Q&A

在《專業天地》內，我們會解答與持牌人執業息息相關的一些常見提問。

In *Horizons*, we will answer selected enquiries commonly raised by licensees concerning estate agency practice.

問：客人沒有銀行本票，但想參與認購一手住宅單位，地產代理公司可否提供本票讓其入票抽籤，然後向客人收取以信用卡繳付之同等金額？

Q: A client wants to participate in the lot drawing for purchasing a first-hand residential property but doesn't have a cashier order. Can the estate agency company offer him a cashier order and charge his credit card for the same amount?

答：倘若準買家因沒有銀行本票參與抽籤買樓，要求地產代理公司為他提供本票，並以信用卡向該地產代理公司繳付同等金額的話，則持牌人絕不可向客戶表示其信用卡將不會被「過數」，反而應在接受客戶以信用卡付款後即日「清機過數」，否則可被視為向準買家貸款，違反監管局指引。

A: Licensees should note that if a prospective purchaser does not have a cashier order to participate in the lot drawing for purchasing the property and thus requests the estate agency company to offer him a cashier order in return for his payment of the same amount of money to the estate agency company by credit card, licensees must not express to the prospective purchaser that they will not debit the latter's credit card. On the contrary, licensees should debit the prospective purchaser's credit card on the same day after accepting the credit card payment. Otherwise, it might be construed that the licensee has offered a loan to a prospective purchaser and thus might violate the EAA's guidelines.

問：地產代理公司必須先取得賣方同意才可刊登一手住宅樓盤銷售廣告。但如果代理公司收到該新樓盤單位的二手交易委託，在宣傳時可否張貼該新樓盤的海報？

Q: An estate agency company is required to obtain written consent from the vendor before issuing any promotional material for first-hand residential properties. If an estate agency company was appointed to handle a second-hand transaction of this new development, can it display the poster of the new development?

答：根據監管局發出的執業通告(編號13-04 (CR))，地產代理公司在發出任何一手住宅物業的廣告或宣傳品之前，須事先取得賣方的書面同意。倘若宣傳的單位是二手交易，而不屬於一手銷售，則以上要求並不適用。然而，使用一手樓盤的宣傳品來宣傳同一樓盤的二手單位的話，可能會令買家產生混淆。無論宣傳的單位是一手還是二手，持牌人均應小心處理，不可發出虛假或具誤導性陳述的廣告。

A: According to the Practice Circular (No. 13-04 (CR)) issued by the EAA, estate agency companies must obtain the written consent of the vendor before they issue any advertisement or promotional material for first-hand residential properties. If the advertised flat is not first-hand but second-hand, the above requirement is not applicable. However, using the promotional material of a first-hand development to promote a second-hand flat in the same development may be confusing to purchasers. Licensees should be careful and note that they must not issue any false or misleading advertisement no matter if the advertised flat is first-hand or second-hand.