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Ruby Hon Yuen-ping

行政總裁
Chief Executive Officer

“ 隨着有關一手住宅物業這個新銷售策略的關注越來越大，各持牌人在向準買家提供建議時，必須特別小心謹慎，以免違反相關規定。 ”

“ With growing concern about this sales tactic in the first-hand residential market, licensees are reminded again to be extremely careful when advising prospective purchasers, so as not to breach the relevant regulations. ”

以招標形式銷售一手住宅物業

Sale of first-hand residential properties by tender

香港的物業市場充滿變數，地產代理的執業手法一直備受公眾關注。因此，從業員必須緊記，無論任何時候都要保持專業，否則行業形象將容易受損。而作為行業的規管機構，監管局需小心回應新的市場趨勢和地產代理執業問題。例如，近期一手住宅物業透過招標形式出售單位的銷售策略，就因為欠缺透明度而引起了媒體和公眾的疑問。

由於「暗標」過程以不透明形式進行，沒有公開價單，準買家有機會向發展商給予一個高於預期的投標價。而在過程中協助準買家投標的地產代理，其角色也受到質疑。在某些情況中，地產代理被指在準買家投標前向準買家提供了一個「指示性價格範圍」。

就着這個問題，監管局在4月發出了一封「致持牌人函件」及向持牌人廣發電郵，同時把函件張貼於監管局網站首頁的「最新消息」一欄中，提醒持牌人在未取得賣方就其編制資料的準確性及完整性的明確書面批署前，不得直接或間接發出或發放任何以招標形式銷售的一手住宅物業推廣資料（包括但不限於載有建議之投標價格資料）。

事實上，監管局已收到兩宗有關地產代理在處理透過招標購買一手住宅物業時向買家提供指示性價格的投訴，調查工作正在進行中。

與此同時，一手住宅物業銷售監管局（「銷監局」）亦於2019年5月17日表示，有一手住宅發展項目的賣方以招標形式發售一手住宅發展項目時，成交資料透明度不足，涉嫌違反《一手住宅物業銷售條例》，銷監局已向有關賣方提出檢控。

隨着有關一手住宅物業這個新銷售策略的關注越來越大，各持牌人在向準買家提供建議時，必須特別小心謹慎，以免違反相關規定。監管局會繼續密切留意市場情況，並會積極配合政府對有關情況可能採取的措施。

The property market in Hong Kong is volatile and the practice of estate agents is always under public scrutiny. Hence, practitioners must remember to stay professional at all times or the image of the profession will be easily tarnished. As the regulator of the industry, the EAA needs to respond attentively to new market trends and estate agency practices. For example, the new sales tactic of the vendors selling first-hand residential properties by tender has recently been questioned by the media and public for its lack of transparency.

As the closed bidding process is opaque with no published unit prices, prospective purchasers could make offers to property developers higher than expected. The role of estate agents assisting prospective purchasers in the bidding process has also been questioned, in that some estate agents have provided an “indicative price range” to prospective purchasers before they submit a bid.

On this subject, the EAA issued a “Letter to Licensees” and sent mass emails to all licensees in April. The Letter was also posted under “What’s New” on the front page of the EAA’s website. Licensees are reminded that they must not, whether directly or indirectly, issue or release any materials promoting the sales of any first-hand residential properties by tender (including but not limited to materials containing information on the suggested bidding price) without obtaining the vendor’s express prior written endorsement of the accuracy and completeness of the information contained therein.

In fact, the EAA has already received two complaints about estate agents providing indicative prices to purchasers when handling the purchase of first-hand residential property through tender. An investigation is in process.

In addition, the Sales of First-hand Residential Properties Authority (“SRPA”) also announced on 17 May 2019 that, a vendor, in offering a first-hand residential development to be sold by way of tender, was suspected of contravening the Residential Properties (First-hand Sales) Ordinance because of insufficient transparency in the transaction information. The SRPA has laid a summons to initiate prosecution against the vendor concerned.

With growing concern about this sales tactic in the first-hand residential market, licensees are reminded again to be extremely careful when advising prospective purchasers, so as not to breach the relevant regulations. The EAA will closely monitor the market situation and will collaborate closely with the Government in adopting all necessary measures to address the subject.