

**Sale and Purchase or Leasing of Non-residential Properties
Circular No. 17-02(CR)**

Checklist for Licensees

Please read Circular No. 17-02 (CR) before completing the checklist.

A. Floor Area Information

Advertising*

no floor area information was provided in the advertisement

OR

the floor area provided in the advertisement was: _____ *[area]* _____

the reasonable source or proper basis for providing such information is: _____ *[reasonable source/proper basis]* _____

able to produce evidence of reasonable source or proper basis

OR

the floor area provided in the advertisement was: _____ *[area]* _____

(if there is no evidence of reasonable source or proper basis) state in the advertisement that the floor area information has not been verified

Provision of floor area information in other situations

no floor area information was provided to the person(s) concerned

OR

the floor area provided to the person(s) concerned was: _____ *[area]* _____

the reasonable source or proper basis for providing such information is: _____ *[reasonable source/proper basis]* _____

able to produce evidence of reasonable source or proper basis

inform the person(s) concerned that there is no standardised or commonly adopted definition of any description of floor area

OR

the floor area provided to the person(s) concerned was: _____ *[area]* _____

(if there is no evidence of reasonable source or proper basis) state that the floor area information has not been verified by the licensee

advise the person(s) concerned to inspect the property and take the measurements themselves

advise the person(s) concerned to seek legal and/or professional advice regarding the floor area information of the property

B. Permitted Use

- no information on the permitted use was provided to the person(s) concerned

OR

Where information on the permitted use was provided and the occupation permit (OP) has been issued:

- the permitted use as stated on the OP and provided to the person(s) concerned is : [permitted use]
- state that such information relates to the permitted use as at the date of the issuance of the OP which was: [date]
- inform the person(s) concerned that the relevant Government Grant and/or the Deed of Mutual Covenant may also contain user restrictions
- advise the person(s) concerned to seek legal and/or professional advice in relation to their intended specific use of the property

OR

Where information on the permitted use was provided but there is no OP or the OP has not been issued:

- inform the person(s) concerned that the permitted use of the property cannot be verified
- advise the person(s) concerned to seek legal and/or professional advice related to the permitted use of the property

C. Cocklofts and Mezzanine Floors

- the property does not have a cockloft /mezzanine floor *

OR

- (if the property has a cockloft or mezzanine floor) checked that the cockloft / mezzanine floor * was stated on the OP

OR

- (If the cockloft or mezzanine floor was not stated on the OP) advise clients of the following:
- the OP does not reveal the existence of a cockloft / mezzanine floor*
 - the legality of the cockloft/ mezzanine floor* cannot be verified

- | |
|---|
| <ul style="list-style-type: none"><input type="checkbox"/> the risks of purchasing or renting properties having unauthorised building works<input type="checkbox"/> the need to seek legal and/or professional advice regarding the legality of the cockloft / mezzanine floor*<input type="checkbox"/> the area of the cockloft / mezzanine floor* has not been included in the floor area of the property |
|---|

D. *Additional Guidelines for Non-residential Properties in an Uncompleted Building or Uncompleted Subdivision of Any Part of a Building

Sales Brochures, Floor Plans and Price Lists

- provide to purchaser(s) copies of the sales brochures / floor plans / price lists* prepared by the vendor
- copies of the sales brochures / floor plans / price lists* are the latest version prepared by the vendor
- advise the purchaser(s) to obtain and read the sales brochures / floor plans / price lists* before they make a purchase decision

Vendor's Endorsement on Promotional Materials and Advertisements

- obtain the vendor's express endorsement in writing of the accuracy and completeness of information contained in any promotional materials and advertisements prepared by the licensees

Mortgage Plans and Financing Schemes*

- no statement was made to the purchaser(s) that they would successfully obtain a mortgage loan or the desired mortgage terms to finance their purchase
- advise the purchaser(s) to make enquiries directly with the banks and finance companies or the vendor* (if financing schemes are provided by the vendor)

E. Other Matters (if applicable)

Notes:

1. * Delete as appropriate
2. Mark a tick “✓” in the relevant box provided

[**Acknowledgement**

Re: [Property] (the Property)

I/We hereby acknowledge that *[name of licensee]**[Licence No.]* has informed/advised me/us of the items marked “✓” above concerning the Property and I/we am/are fully aware of the matters mentioned therein before making my/our purchase/leasing decision.

[Name of purchaser(s) /tenant(s)]

Date: _____]

*Attention: This checklist is compiled to serve as **general reference only** for licensees to review their practice and measures in handling the sale and purchase or leasing of non-residential properties and to ensure that they are in compliance with the Circular No. 17-02(CR) issued by the EAA. The information contained in the checklist is not intended to be exhaustive. Licensees are reminded that they are obliged at all times to observe and comply with the relevant provisions in the Estate Agents Ordinance and its subsidiary legislation, the Code of Ethics and all applicable guidelines set out in the relevant circulars issued by the EAA when they handle the sale and purchase or leasing of non-residential properties.*