



## 規管一手樓銷售新指引

# New guidelines regulating sales practices of first-hand properties

地產代理監管局（監管局）已完成整合和更新與一手樓銷售相關的指引。新指引共有三份，並已於2010年5月14日生效。

監管局於2010年5月6日舉行記者會，公布有關新指引的重點。監管局行政總裁余呂杏茜女士說：「一直以來，一手樓的銷售手法引起廣泛的關注，而且地產代理為了推銷樓盤，經常採用不同的銷售手法。新指引



監管局行政總裁余呂杏茜女士和執行總監黃維豐先生舉行記者會，簡介局方將就一手樓盤銷售發出的新執業通告。  
EAA Chief Executive Officer Mrs Rosanna Ure and Director of Operations Mr Anthony Wong hold a press briefing on the new practice circulars on the sale of first-hand properties.

The Estate Agents Authority (EAA) has consolidated and updated the guidelines on the sale of first-hand properties and the resultant three new practice circulars took effect on 14 May 2010.

The EAA held a press briefing on 6 May 2010 to announce key points of the new guidelines. EAA Chief Executive Officer Mrs Rosanna Ure said, "Sales practices related to first-sale properties have long been of great concern to the public. This is particularly so as practitioners have been adopting new tactics in the sale of first-hand properties. The

除了配合不斷變化的市況和銷售手法外，亦讓地產代理業界更易掌握監管局的有關規定。」

余太補充，作為規管地產代理執業的機構，監管局有需要採取適切的措施，改善一手樓盤的銷售秩序，確保物業交易公開、公平和公正。所有從業員，不論是來自大或小型公司，均需遵行指引。

新整合的通告〔編號：10-02 (CR)、10-03 (CR) 及 10-04 (CR)〕分為三份，分別涵蓋：一手樓盤銷售地點的秩序、促銷一手樓盤時的操守及一手樓盤的物業資料。（表一）

此外，為了讓業界更了解指引的內容，監管局執行總監黃維豐先生於記者會前約見了五家經常參與一手樓



監管局執行總監黃維豐先生向五間經常參與一手樓盤銷售的地產代理公司的管理層闡釋新通告的主要內容。  
EAA Director of Operations Mr Anthony Wong explains the new circulars to the management of five estate agency firms which have been heavily involved in the sale of first-hand properties.

new guidelines were issued in response to ever-changing market conditions and sales practices and to facilitate the trade's understanding of all the regulations on the subject.”

Mrs Ure pointed out that as the regulator of the estate agency trade, the EAA has the duty to take whatever measures needed to improve order at first-sale sites and to ensure property transactions are conducted in a fair, open and transparent manner. All practitioners, be they from big or small agencies, have to comply with the new measures.

The three separate circulars (No. 10-02 (CR), 10-03 (CR) and 10-04 (CR)) cover maintaining order at first-sale sites, practitioners' conduct in first-sale activities and providing property information on first-sale developments. (Table 1)

To facilitate the trade's understanding of the guidelines, EAA Director of Operations Mr Anthony Wong met with the management of five estate agency companies which have been heavily involved in the promotion of first-hand properties to carefully explain the guidelines to them, and to remind them to adopt appropriate measures to ensure their practitioners' compliance with the regulations.

Mr Anthony Wong said, “If practitioners are proven

#### 監管局牌照及執業委員會主席梁永祥先生的意見

監管局推出的新一手樓盤銷售執業通告詳盡仔細，涵蓋多個範圍。監管局認為，不論是地產代理公司管理層，抑或是前線的從業員，都應該充分了解通告的內容，並遵守所有規定。

從業員若遵從有關指引，不但能提供專業優質的服務予客戶，地產代理的公眾形象也得以提高。

#### Comments from EAA Licensing and Practice Committee Chairman Mr William Leung

The new practice circulars on first-sale properties issued by the EAA are comprehensive and detailed, covering different aspects of the subject. Both the management of estate agencies and frontline practitioners should thoroughly understand the circulars and comply with all the regulations.

Should practitioners follow the guidelines, not only will they be able to provide quality services to their clients, the public image of estate agents will also be enhanced.



盤銷售的地產代理公司的管理層，向他們詳細講解指引內容，並提醒他們採取適當的措施落實執行有關規定。

黃維豐先生表示：「從業員若被證實違反指引，可遭監管局紀律制裁，最嚴重的處分為撤銷牌照。」

為了方便業界執行指引，監管局分別於5月中及6月舉辦持續專業進修講座，向從業員詳細講解指引內容。

to have breached the regulations, they may be subject to disciplinary sanctions by the EAA. The most serious sanction is licence revocation.”

To help the trade comply with the guidelines, the EAA held a Continuing Professional Development (CPD) seminar in mid-May and will hold another one in June to explain to practitioners the new guidelines in greater detail.

## 表一：執業通告要點

**Table 1: Highlights of the practice circulars**

應以書面形式向準買家交代他所屬的公司只代表發展商、只代表準買家，抑或同時代表發展商及準買家。	Practitioners must inform prospective buyers in writing whether their agency company acts for the developer, prospective purchaser or both.
未得到發展商授權，不得以訂金或其他名義接受或向準買家索取任何款項。	Practitioners must not accept or solicit any money, whether described as a deposit or not, from prospective purchasers without the developer's authorisation.
不得向準買家提供貸款，或者提出提供貸款的建議，無論該筆款項作任何用途。	Practitioners must not make loans or propose to make loans to prospective purchasers for any purpose.
應提醒準買家留意售樓說明書列明的單位實際面積，不要倚賴從觀看示範單位所得的對單位面積的觀感。	Practitioners should remind prospective purchasers to pay attention to the actual dimensions of the units as stated in the sales brochure and not to rely only on their perception of the size of the units gathered from viewing the show flats.
未取得準買家的書面同意，不可安排以準買家的信用卡交付訂金。	Practitioners should not arrange for payment of deposits using the credit cards of prospective purchasers without their written consent.
不可在廣告中就物業的周圍環境作出誤導性陳述，例如在廣告中將物業附近的樓宇畫成草地，不顯示附近樓宇或設施，或大幅改低附近樓宇的高度。	Practitioners should not misrepresent the surroundings of a development in their promotional materials: for example, by drawing green pastures around the development when there are in fact buildings and structures in the nearby area, omitting certain nearby buildings or facilities, or substantially lowering the height of nearby buildings.
應建議準買家細閱由發展商提供售樓說明書及價目表內的資料，向準買家提供發展商的價目表內所列表載的物業面積及以物業「實用面積」計算的每平方米或平方米的價格的資料。	Practitioners must advise prospective purchasers to carefully study the information in the sales brochures and price lists, and provide to prospective buyers information concerning the area of property and the price per square foot or metre of the “Saleable Area” as contained in the price lists supplied by the developer.
須委派一名員工監督（須為持牌地產代理），負責監控被調派往一手樓盤銷售地點工作的員工。有關公司應盡快向監管局提供該名監督的姓名和牌照號碼；在樓盤開售至少一天前，向監管局呈交被調派到一手樓盤銷售點的員工名單。	Each estate agency company must assign a controller (who must be the holder of an estate agent's licence) to oversee all company staff deployed to a first-sale site. The estate agency company must provide the name and licence number of the controller to the EAA as soon as possible; it must provide the EAA with a copy of the list of staff to be deployed to a first-sale site at least one day before the launch of the first-sale property.
如無發展商委託，不可在一手樓盤銷售點招攬生意；未取得發展商的書面同意之前，不可發出廣告。	No practitioners other than those of the estate agency companies appointed by the developer should solicit business at the first-sale sites. Practitioners must not issue advertisements without the written consent of the developer.
不可站在行車道上、攔截車輛或干擾駕駛人士。	Practitioners must not stand on the carriageway, intercept vehicles or distract drivers.
推銷時的行為不可過分，例如阻截行人、不斷游說或尾隨行人。	Practitioners must not be over-aggressive when conducting promotional activities, e.g. persistent solicitation or stalking.

註：欲了解通告的詳細內容，請參閱監管局網頁 [www.eaa.org.hk](http://www.eaa.org.hk)。

Note: For details of the practice circulars, please refer to the EAA website: [www.eaa.org.hk](http://www.eaa.org.hk).