

印花稅安排的調整

Adjustments to Stamp Duty Arrangements

監管局於2023年10月27日發出一封致持牌人函件，提醒持牌人行政長官在2023年施政報告中宣布有關調整住宅物業印花稅的安排。

考慮到目前市場情況，政府決定由2023年10月25日起調整住宅物業需求管理措施。

有關住宅物業交易的調整事項包括：額外印花稅的適用年期由三年縮短至兩年，下調買家印花稅及從價印花稅的適用的稅率，以及推出合資格外來人才在港購買住宅物業暫免繳付印花稅的機制。

持牌人應向其客戶解釋上述的最新印花稅安排，切勿向客戶提供任何失實或具誤導性的資料。否則，持牌人或會遭受監管局的紀律處分。

持牌人亦應提醒客戶可在有需要的情況下，於簽訂臨時買賣協議前就其須繳付印花稅的責任先徵詢法律意見。

持牌人應閱讀已載於監管局網頁的相關致持牌人函件（持牌人專區 > 致持牌人函件 > 27-10-2023）。

The EAA issued a Letter to Licensees on 27 October 2023 regarding the adjustments to the stamp duty arrangements for residential properties from the announcement made by the Chief Executive in his 2023 Policy Address.

In view of the prevailing market conditions, the Government has decided to make adjustments to the demand-side management measures for residential properties with effect from 25 October 2023.

The adjustments included: shortening the applicable period of Special Stamp Duty (“SSD”) from three years to two years; reducing the applicable rate of Buyer’s Stamp Duty (“BSD”) and Ad Valorem Stamp Duty (“AVD”); and announcing a suspension mechanism of stamp duty for eligible incoming talents’ purchase of residential property.

Licensees should advise their clients accordingly with respect to the latest stamp duty arrangements and must not provide inaccurate or misleading information to their clients. Otherwise, they may be subject to disciplinary action by the EAA.

Licensees should also invite their clients to seek legal advice on their liability for payment of stamp duty, if necessary, before proceeding with the execution of the provisional agreement for sale and purchase.

Licensees should read the Letter to Licensees at the EAA’s website (Licensees Corner > Letter to Licensees > 27-10-2023).



僭建物損害客戶利益

Unauthorised Building Works (“UBW”) Harm Client’s Interest

屋宇署希望透過監管局提醒持牌人，在處理物業交易時，應提醒客戶有關物業的僭建物所涉及的風險。持牌人不應向客戶提供具誤導性資料，否則可能引致交易取消，而持牌人亦可能被監管局紀律處分。

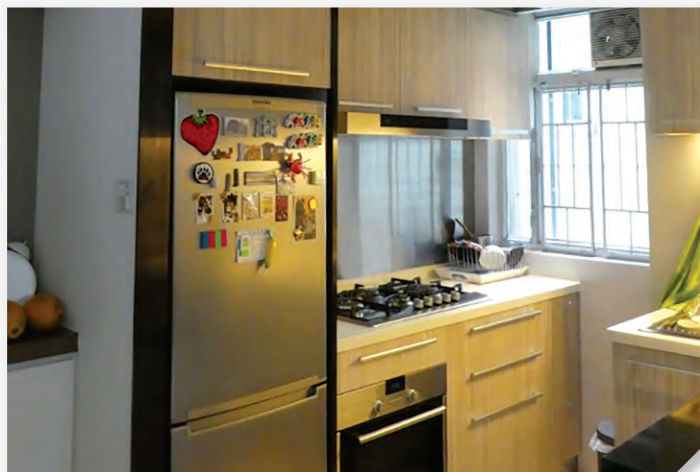
在一宗物業買賣交易中，買家在視察物業期間，向地產代理查詢：「這個單位內的閣樓是否合法？」地產代理毫不猶豫地回應：「這單位並沒有任何僭建物。」其後，買家再詢問：「這廚房可否改為開放式廚房？」該地產代理說：「你可在裝修期間，找工人拆掉廚房圍牆及門，因只涉及室內工程，一般無需申請及預先審批。」

事實上，從屋宇署「百樓圖網」取得的批准圖則顯示該單位內並沒有閣樓，該閣樓其實是僭建物。另外，改建原有廚房為開放式廚房，一般會涉及拆除須具耐火效能的牆及門，並有可能涉及拆除結構牆，有關工程須委任認可人士及/或註冊結構工程師，並向屋宇署呈交建築圖則，獲得批准及同意後才可由註冊承建商進行。在上述的個案中，地產代理應告知客戶有關物業內存有僭建物，並提醒客戶就該物業的僭建物所涉及的風險，包括可能影響樓宇結構及消防安全，以及屋宇署可就有關僭建物採取執法行動。另外，地產代理亦應提醒客戶，如欲進行室內

Through the EAA, the Buildings Department (“BD”) would like to remind licensees that they should remind their clients about the risk of UBW when handling property transactions. Licensees should not provide any misleading information to clients or else it may lead to the cancellation of the transaction and the licensee may be subject to disciplinary action by the EAA.

In a transaction for the sale of a property, the purchaser asked the estate agent during the inspection of the property, “Is the cockloft inside the flat illegal?”. The estate agent responded without any hesitation, “The flat is free of any UBW”. The purchaser made a further enquiry, “Can I alter the kitchen to become an open kitchen?”. The estate agent replied, “You can arrange your workers to remove the wall and door of the kitchen during fitting out works. As only internal works are involved, no prior application and approval are required in general”.

In fact, there was no such cockloft according to the approved building plans obtained from the BRAVO system of the BD. The cockloft was in fact an UBW. In addition, as creating an open kitchen would generally involve the removal of wall and door with fire resistance rating or even the removal of a structural wall, the owner is required to appoint an authorized person and a registered structural engineer to submit building plans to the BD. The works should be carried out by a registered contractor after obtaining approval and consent from the BD. In the above case, the estate agent should have informed the client that there was an UBW in the property and reminded the client about the risk of the UBW, including the possible structural and fire safety problems as well as the possible enforcement action by the BD. The estate agent should have also reminded the client to seek professional building advice as necessary when carrying out interior building works.



Licensees should remind their clients that UBW would prejudice the clients’ interest. The owner is ultimately responsible for the UBW in the property. Under the Buildings Ordinance, if the owner carries out unauthorised building works or fails to carry out the removal and rectification works within the period specified in the removal order without reasonable excuse, he/she may be subject to prosecution and have to bear criminal liability. The owner is responsible for ensuring the safety of the property and ensuring the property is free of UBW. If the UBW in the property results in loss of life or damage to property, the owner

工程，應按需要尋求建築專業人士意見。

持牌人須提醒客戶僭建物會損害他們利益。業主就其物業內的僭建物負有最終責任。在《建築物條例》下，業主如進行違例建築工程，或無合理辯解未能在清拆令指定的期限內清拆僭建物及完成糾正工程，均有可能被檢控及需負上刑事責任。業主有責任確保其樓宇安全及無僭建物。若因其樓宇的僭建物導致他人財物損失或人命傷亡，業主亦有機會負上其他刑事及民事法律責任。

持牌人可瀏覽屋宇署網頁 (www.bd.gov.hk) 或掃描以下二維碼了解更多相關資訊。



may also bear other criminal and civil liabilities under the law.

For further information, please visit the BD's website at www.bd.gov.hk or scan the following QR Code.



監管局職員獲頒發「2023年申訴專員嘉許獎」 EAA's staff received "The Ombudsman's Award" 2023

監管局一名職員獲頒發「2023年申訴專員嘉許獎—公職人員獎」，表揚他們處理查詢時的專業表現和積極態度。

申訴專員嘉許獎頒獎典禮於2023年11月15日舉行。監管局牌照部陳鍾明先生，憑着處理查詢時的出色表現，獲頒發「公職人員獎」。他以積極的態度為公眾服務，贏得了認可和讚揚。

An EAA's staff member received "The Ombudsman's Award" 2023 for "Officers of Public Organisations" in recognition of his professionalism and positive attitude in enquiries handling.

The Ombudsman's Awards Presentation Ceremony was held on 15 November 2023. Mr Samuel Chan from the Licensing Section received an individual award for his outstanding performance in handling enquiries. He earned the recognition and commendation by adopting a positive attitude to serve the public.



陳鍾明先生（右）從申訴專員趙慧賢女士，PDSM, PMSM手中接過獎座。

Mr Samuel Chan (right) receives the award from The Ombudsman, Ms Winnie Chiu, PDSM, PMSM.

放寬資助出售單位按揭安排 Relaxation of mortgage arrangements for subsidised sale flats

臣士管局於2023年12月13日發出一封致持牌人函件，提醒持牌人香港房屋委員會（「房委會」）已於2023年11月17日通過放寬資助出售單位的按揭安排。

放寬資助出售單位的按揭安排包括延長房委會就資助出售單位買家所提供的按揭保證契據下的最長按揭保證期及按揭還款期，以便買家向參與提供該等單位按揭貸款的認可財務機構取得按揭貸款。

持牌人應留意新安排及放寬措施將分別適用於**2024年1月1日**或之後在一手市場出售的資助出售單位及**2024年3月1日**或之後在第二市場出售的資助出售單位。持牌人不可向資助出售單位買家提供任何不準確或具誤導性的資訊。

持牌人應閱讀已載於監管局網頁的相關致持牌人函件（持牌人專區 > 致持牌人函件 > 13-12-2023）。如就上述事宜有任何查詢，可致電2712 2712與房委會聯絡。

The EAA issued a Letter to Licensees on 13 December 2023 regarding the relaxation of the mortgage arrangements for subsidised sale flats ("SSFs") as endorsed by the Hong Kong Housing Authority ("HA") on 17 November 2023.

The relaxation of the mortgage arrangements for SSFs includes extending the maximum mortgage default guarantee period and mortgage repayment period under the Deeds of Guarantee being provided to purchasers of SSFs and authorised financial institutions participating in the provision of mortgage loans for such flats.

Licensees should note the new arrangements and that the relaxation will be applicable to SSFs sold on the primary market and the secondary market on or after **1 January 2024** and **1 March 2024** respectively; and they must not provide any inaccurate or misleading information to purchasers of SSFs.

Licensees should read the Letter to Licensees at the EAA's website (Licensees Corner > Letter to Licensees > 13-12-2023) and may contact the HA at 2712 2712 for any enquiries on the above matter.

代理人因違反《水務設施規例》而被判處罰款的個案

The case that an agent was fined for contravening the Waterworks Regulations

臣士管局於2023年10月13日於局方網站發出一則「最新消息及提醒」，提醒持牌人有關一宗代理人因違反《水務設施規例》而被判處罰款的個案。持牌人須注意，在參與處理劏房租賃時，絕不可以協助業主濫收公用設施及服務的費用，否則持牌人本身有可能違法而被判有罪。

The EAA issued a reminder notice on the EAA's website on 13 October 2023 regarding the case in which an agent was fined for contravening the Waterworks Regulations. Licensees are reminded that when handling the tenancy of subdivided units, they should not assist the landlord to overcharge the tenants for public utilities and services or else the licensees might themselves be convicted for breaching the law.

持牌人同時應提醒客戶，所有要求租客繳付劏房的公用設施及服務的款項不得超過業主向租客提供的書面帳目中顯示經分攤的款項，否則即屬違法。

有關該宗個案詳情，請參閱政府新聞公布（www.info.gov.hk/gia/general/202310/11/P2023101100174.htm）。

Licensees should also remind their clients that it is an offence to require tenants to pay for the utility and service charges for the subdivided unit at a sum exceeding the apportioned amount as shown in the account in writing provided by the landlord to the tenant.

For details of the case, please refer to the Government press release (www.info.gov.hk/gia/general/202310/11/P2023101100174.htm).

《地產代理良好處理劏房租賃約章》最新消息 Update of the Charter on Good Practices of Estate Agents in Handling Subdivided Unit Tenancy

自《地產代理良好處理劏房租賃約章》（「《約章》」）於2023年9月12日推出以來，地產代理業界一直鼎力支持，並積極向同業推廣《約章》。截至2023年12月底，已有91間地產代理商舖簽署《約章》，率先以兩個「不會」以及六個「必會」的良好作業模式處理劏房租賃。

簽署《約章》後，有關地產代理商舖將會得到一套宣傳物品，而其商舖名稱亦會列載於監管局網站的參與名單中。《約章》全年接受報名，詳情請瀏覽監管局網頁（www.eaa.org.hk/zh-hk/SDU-Charter）。

Since the roll-out of the Charter on Good Practices of Estate Agents in Handling Subdivided Unit Tenancy (“the Charter”) on 12 September 2023, the estate agency trade has rendered firm support to the Charter and actively promoted it to their peers. As of end of December 2023, 91 estate agency shops have already signed the Charter, taking a pioneering step in demonstrating good practices in handling subdivided unit tenancies by adhering to the two “won’ts” and six “wills”.

Upon signing of the Charter, participating estate agency shops will receive a set of promotional collaterals and their shop names will be included in the online list on the EAA’s website. Enrollment of the Charter is open year-round. For more details, please visit the EAA’s website (www.eaa.org.hk/en-us/SDU-Charter).



參與《約章》的地產代理商舖在櫥窗上張貼《約章》標誌，並於店內展示宣傳物品。

Participating estate agency shops posted the Charter logo sticker on shop windows and displayed promotional collaterals inside the shops.