

在《專業天地》內， 我們會解答持牌人的一些常見提問。

In *Horizons*, we will answer questions commonly asked by licensees.

問：根據地產代理監管局(「監管局」)就一手住宅樓盤銷售點的秩序而發出的執業通告(編號(18-03 (CR)))(「執業通告」)中的相關指引，地產代理公司須於每個樓盤銷售開始前最少一天向監管局提供某些文件。為遵從執業通告，地產代理公司在每個樓盤開始銷售前一天向監管局提交所需文件是否足夠？

答：否。

如執業通告的序言中所述，其目的是為多年來備受公眾關注的持牌人在進行香港一手住宅樓盤銷售點的推廣活動時的秩序和行為訂立指引，以確保該等推廣活動在良好秩序下進行。

由於一手樓盤銷售點的推廣活動通常在遠早於賣方就每個樓盤開始銷售前進行，監管局將視「每個樓盤銷售開始」為涵蓋地產代理公司在一手樓盤銷售點進行的任何與銷售有關的推廣活動。

因此，為遵從執業通告中有關向監管局提交所需文件的期限的相關指引，地產代理公司必須在其或其員工在一手樓盤銷售點進行的任何與銷售有關的推廣活動前最少一天，向監管局提交該等文件；如有關樓盤分期數發售，地產代理公司必須在其或其員工在一手樓盤銷售點就該樓盤的每一期數進行與銷售有關的推廣活動前最少一天，向監管局提交所需文件。

Q: According to the guidelines on order at first-sale sites of residential properties in Practice Circular No. (18-03 (CR)) ("Practice Circular") issued by the Estate Agents Authority ("EAA"), certain documents are required to be provided by estate agency companies to the EAA at least one day before the launch of the sale of each development. To comply with the Practice Circular, is it sufficient for estate agency companies to submit the required documents to the EAA one day before the commencement of sale of each development?

A: No.

As explained in the Preamble of the Practice Circular, its aim is to set out guidelines on licensees' order and conduct relating to the promotional activities of first-sale sites of residential properties in Hong Kong, which have raised considerable public concern over the years, with a view to ensuring good order in the conduct of such promotional activities.

As promotional activities at first-sale sites are usually carried out much earlier than the commencement of sale of each development by the vendor, the EAA will regard the "launch of the sale of each development" as covering any promotional activities at the first-sale site(s) carried out by the estate agency companies in relation to the sale.

Accordingly, in order to comply with the relevant guideline(s) in the Practice Circular with respect to the deadline for submission of the required documents to the EAA, estate agency companies must provide such documents to the EAA at least one day before they or their staff carry out any promotional activities at the first-sale site(s) in relation to the sale; and where the development is to be sold in phases, they must provide the required documents to the EAA at least one day before they or their staff carry out any promotional activities at the first-sale site(s) in relation to the sale of each phase of the development.