

做個

精明



Be a Smart
Purchaser of

一手樓

買家



First-hand
Property



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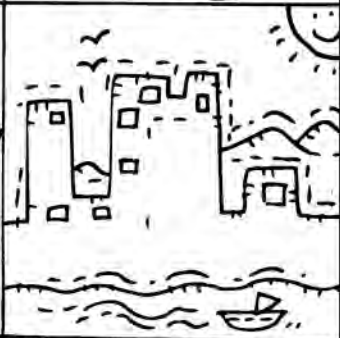
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前言

近年，愈來愈多地產代理參與一手住宅物業市場。同時，大眾對於地產代理在處理一手住宅物業銷售的操守亦相當關注。地產代理監管局(「監管局」)於1997年11月成立，負責規管香港地產代理的執業。為進一步保障消費者權益，監管局出版本小冊子，向準買家介紹委託地產代理購買一手住宅物業時要注意的事項。

聲明

本小冊子的資料僅作一般參考，並非法律意見。如讀者就個別情況有疑問，應尋求法律意見。對於本小冊子的全部或部分內容而引起或與之有關的損失，監管局概不負責。

2018年出版

Foreword

In recent years, there has been an increase in the number of estate agents participating in the first-hand residential property market. There has also been a corresponding rise in public concern about their conduct in the sale of first-hand residential properties. The Estate Agents Authority ("EAA") was established in November 1997 under the Estate Agents Ordinance to regulate the practice of estate agency in Hong Kong. With a view to better protecting the interests of consumers, the EAA published this booklet to introduce to prospective purchasers the important points-to-note when appointing estate agents in the purchase of first-hand residential properties.

Disclaimer

The content and information contained in this booklet is for reference only. There is no intention whatsoever to provide legal opinion. Readers are advised to seek legal advice on matters encountered in specific situations. The EAA shall not be held liable for any loss or damage incurred or suffered in connection with, arising from, or in reliance on, the whole or any part of this booklet.

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尋找對的 中間人

Look for the right middleman



③ Appoint licensed estate agents only

注意事項：

- 根據監管局指引規定，地產代理不得在地鐵／火車站(包括車站出入口及入閘範圍內)進行任何生意招攬活動(包括攔截途人或派發單張)。另外，亦不可在進行推廣活動時阻礙公共地方及在行車道路上攔截或拍打車輛。
- 由地產代理公司調派往一手樓盤銷售點的持牌員工須佩戴地產代理證及／或職員證；而非持牌員工則須佩戴有顯著的「非持牌員工」字眼的名牌。
- 準買家宜留意非持牌人士不可進行任何地產代理工作，如為招攬生意而陪同準買家參觀示範單位或向準買家提供物業資料等，否則即屬違法。

Points-to-Note:

- According to the guidelines issued by the EAA, estate agents must not conduct any business soliciting activities, intercept passengers or distribute leaflets at Mass Transit Railway stations, including station exits and ticket barrier areas. Moreover, they must not obstruct in public places or stand on the carriageway or intercept vehicles in the course of conducting promotional activities.
- All licensed staff of estate agency companies deployed to the first-sale sites must wear an Estate Agent card and/or staff card, while all other non-licensed staff should wear name tags to show prominently the words "non-licensed staff".
- Prospective purchasers are advised to note that non-licensed persons must not conduct any estate agency work, e.g. accompanying prospective purchasers to inspect show flats or providing them with property information with a view to soliciting business, etc. Otherwise, it is a criminal offence.



仔細看清 物業資料

Read carefully the property information



- ① (2-room apartment)
- ② 2 Rooms (For internal reference only)
- ③ (Sales brochure) It should be one room with a storeroom instead of two rooms!
- ④ What?



注意事項：

- 根據監管局發出的《操守守則》第3.5.1段：地產代理和營業員在履行職務時必須盡量小心和盡一切應盡的努力。因此，持牌人應採取一切合理步驟核實確保的準確性，確實所提供的資料並非虛假或具誤導性。
- 地產代理提供發展項目的成交資料、銷售數據或銷售業績時，須根據賣方的成交紀錄冊上的資料及指明該等資料的時間性。「只供內部傳閱」的文件不應提供予公眾。
- 地產代理須確保向準買家提供的售樓說明書及價單屬賣方提供的最新版本。如未能向準買家提供，則須建議準買家於賣方的銷售處索取，或往指定網站或一手住宅物業銷售資訊網閱讀有關資料。

Points-to-Note:

- Under the paragraph 3.5.1 of the Code of Ethics issued by the EAA, estate agents and salespersons shall, in fulfilling their duties, exercise due care and due diligence. Thus, licensees must take all reasonable steps to verify the accuracy of the information to ensure that any information they provide is not fake or misleading.
- When estate agents provide transaction information, sales figures or sales performance of a development, it should be based on the same information from the register maintained by the vendor of the development which contains information of the transactions for the development only; and specify the time frame of the information. Documents which are "for internal reference" should not be provided to the public.
- Estate agents should ensure that the sales brochure and price lists they provide to prospective purchasers are the latest version. Otherwise, they must advise prospective purchasers to obtain and read the relevant information at the vendor's sales office, designated website or the Sales of First-hand Residential Properties Electronic Platform.

小心具誤導性廣告

Beware of misleading advertisements



- 1 (First-hand property ad) The price is attractive!
- 2 (Call the agent) I want to buy...
- 3 It can't be that cheap!
- 4 Agent must not issue misleading information online!



注意事項：

- 根據監管局指引，地產代理不可發放具誤導性陳述或錯誤資訊的廣告，亦不得以有別於賣方所指示的價格或條款宣傳有關樓盤。
- 地產代理在為一手住宅物業編制宣傳物品時，必須採取一切合理步驟核實該等宣傳物品所載資料的準確性，並在發出前取得賣方就所載資料的準確性及完整性的明確書面批署。
- 就一手住宅物業銷售進行推廣活動時及發布的廣告中，除以物業的實用面積作為基準外，不得以其他基準表達物業的樓面面積或平均呎價資料。

Points-to-Note:

- According to the guidelines issued by the EAA, estate agents must not issue any advertisement with misleading or false information. They are also not allowed to advertise the relevant property at any price or terms different from that instructed by the vendor.
- When preparing promotional materials for first-hand residential properties, estate agents must take all reasonable steps to verify the accuracy of the information contained in such materials; and before issuance, obtain the vendor's express endorsement in writing of the accuracy and completeness of the particulars contained therein.
- When publicising or advertising first-sale residential properties, saleable area will be the only basis that can be used to provide information on floor areas or unit prices of the property.

書面列明優惠承諾

Set out promises of incentives in writing



1 2% commission rebate!

3 (After transaction...) Only 1% commission rebate

4 No Way!

注意事項：

- 除了賣方會向買家提供各種不同優惠外，有些地產代理為求吸引準買家，會提供佣金回贈或其他優惠以作招徠。
- 根據監管局發出的執業通告(編號13-04(CR))，假如有關優惠是由地產代理所提供，地產代理須將提供予準買家的任何優惠(包括任何送贈、折扣或回贈)的承諾以書面形式向準買家作出，並具體列明提供優惠的條款及形式，不能只以口頭承諾。
- 地產代理公司須就其向準買家提供的優惠發出清晰指引，密切監督其員工以確保他們遵守有關指引，以及訂立兌現有關優惠的承諾的適當程序。

Points-to-Note:

- In addition to the vendor providing different sorts of incentives to purchasers, some estate agents will provide commission rebates or other incentives to attract prospective purchasers.
- According to the Practice Circular (No.13-04 (CR)) issued by the EAA, if the incentives are offered by the estate agents, they must set out in writing any promise of incentives, including any gifts, discounts or rebates they have offered to prospective purchasers, and stipulate clearly the terms and format of the incentives, not just by oral agreement.
- Estate agency companies must issue clear guidelines on their offer of incentives to prospective purchasers, maintain close supervision of their staff to ensure adherence to the guidelines, and establish proper procedures to fulfill the incentives offered.



代理不可向 準買家貸款

Estate agents cannot offer loans
to prospective purchasers



- 1 Submit more registrations of intent for a greater chance!
- 2 Let me help pay for you first!
- 3 It is not right!
- 4 Agent must not offer or make loans to prospective purchasers!



注意事項：

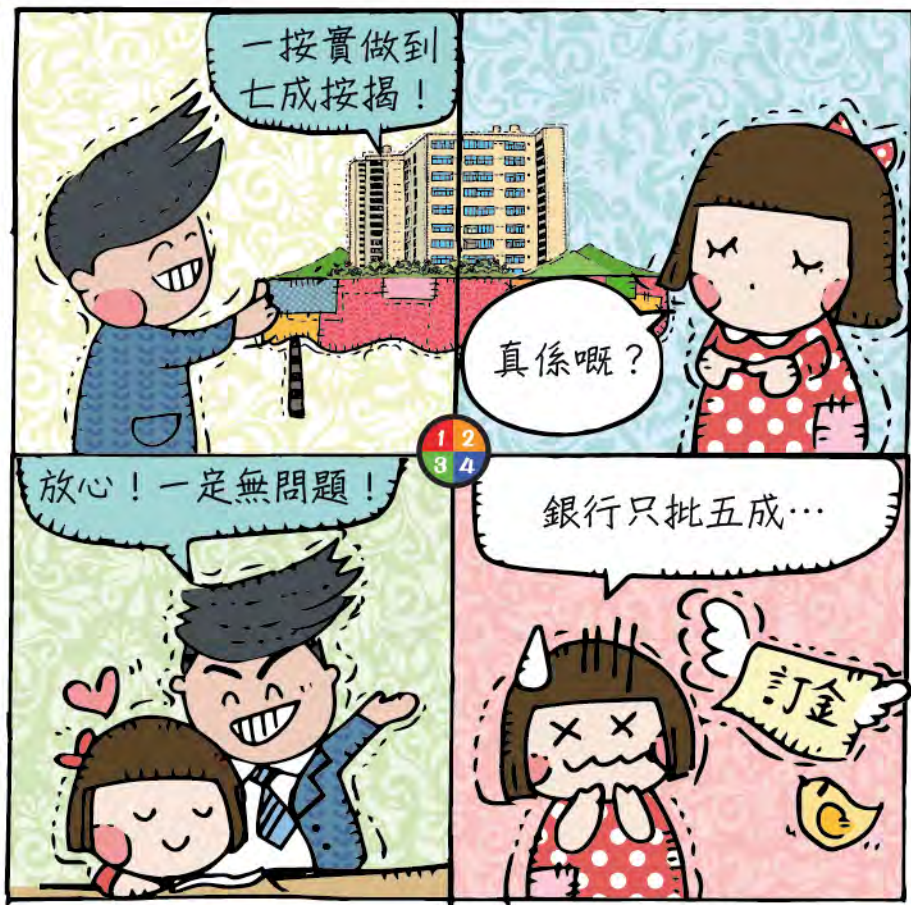
- 監管局發出的執業通告(編號13-04(CR))規定，地產代理在推銷一手樓盤時，不得向準買家或視察單位人士提供貸款，也不得向準買家或視察單位人士提出提供貸款的建議。
- 即使準買家表示沒有足夠金錢作即場交付訂金，或不論是否用以游說準買家簽訂臨時買賣合約或作任何其他用途，或即使該準買家向他們提出有關要求，地產代理也不得向準買家提供或提出提供貸款。
- 如代理提出提供貸款／墊支，準買家也宜拒絕。過去就曾經有心急做購買決定的買家，由地產代理助其墊支入票落訂，但其後始發現沒有足夠負擔能力，結果要「撻訂」損失訂金。

Points-to-Note:

- According to the Practice Circular (No. 13-04 (CR)) issued by the EAA, estate agents must not offer or make loans to a prospective purchaser/flat viewer when promoting the first-sale units.
- Even if a prospective purchaser states that he/she does not have sufficient money for the payment of the deposit on the spot, or whether in order to persuade the prospective purchaser to sign a preliminary agreement for sale and purchase or for any other purpose, or even if the prospective purchaser requests the estate agents to do so, estate agents must not offer or make loans to the prospective purchaser.
- Prospective purchasers are advised to reject any loan offered by estate agents. There have been cases in which purchasers hastily made a purchase decision and accepted loans from estate agents to pay for the initial deposit of a first-sale unit, but found out later that they could not afford it and the deposit money was eventually forfeited by the vendor.

代理不可作按揭保證

Estate agents cannot make promises on mortgages



- ① You can get a mortgage loan up to 70% of the purchase price for sure!
- ② Really?
- ③ Sure! No problem!
- ④ The bank only approves a loan up to 50% of the purchase price... (Deposit forfeited)



注意事項:

- 監管局發出的執業通告(編號13-04(CR))規定,地產代理不得向一手住宅物業準買家聲稱可保證其將成功取得購買有關物業按揭貸款或獲得其希望的按揭條款。
- 由於銀行或賣方提供的按揭計劃貸款類別繁多,準買家應直接向提供按揭的銀行或賣方了解詳情。
- 由於香港金融管理局不時會因應市況而修訂物業按揭的指引,而貸款機構在審批貸款亦會因應不同的因素,包括申請人的財務狀況、每月入息及收入來源以評估其還款能力等作出考慮,而不同銀行的審批準則、所提供優惠及按揭條款等亦有所不同,準買家宜直接向貸款機構查詢。

Points-to-Note:

- According to the Practice Circular (No. 13-04 (CR)) issued by the EAA, estate agents must not make any statement to assure prospective purchasers of first-hand residential properties that they will successfully obtain a mortgage loan or the desired terms to finance their purchase.
- As banks and vendors may have different mortgage plans, prospective purchasers are advised to seek information directly from the bank or vendor concerned.
- In light of changing market conditions, the Hong Kong Monetary Authority will revise its guidelines on mortgage loans from time to time. Lending institutions will also consider a number of factors, such as the financial status of the applicants, monthly income and income sources etc. to evaluate their repayment ability. Besides, as the approval criteria, incentives offered and the mortgage terms of different banks can be different, purchasers are advised to make enquiries directly with the lending institutions concerned.

參考及查詢

References and Enquiry

地產代理監管局
Estate Agents Authority
2111 2777

消費者教育網站
Consumer education website
smart.eaa.org.hk

監管局網站
Website of the EAA
www.eaa.org.hk





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