

# NOTES TO PURCHASERS OF FIRST-HAND RESIDENTIAL PROPERTIES

## 一手住宅物業買家須知

You are advised to take the following steps before purchasing first-hand residential properties.

### For all first-hand residential properties

#### 1. Important information

- Make reference to the materials available on the Sales of First-hand Residential Properties Electronic Platform (SRPE) ([www.srpe.gov.hk](http://www.srpe.gov.hk)) on the first-hand residential property market.
- Study the information on the website designated by the vendor for the development, including the sales brochure, price lists, documents containing the sales arrangements, and the register of transactions of a development.
- Sales brochure for a development will be made available to the general public at least 7 days immediately before a date of sale while price list and sales arrangements will be made available at least 3 days immediately before the date of sale.
- Information on transactions can be found on the register of transactions on the website designated by the vendor for the development and the SRPE.

#### 2. Fees, mortgage loan and property price

- Calculate the total expenses of the purchase, such as solicitors' fees, mortgage charges, insurance fees and stamp duties.
- Check with banks to find out if you will be able to obtain the needed mortgage loan, select the appropriate payment method and calculate the amount of the mortgage loan to ensure it is within your repayment ability.
- Check recent transaction prices of comparable properties for comparison.
- Check with the vendor or the estate agent the estimated management fee, the amount of management fee payable in advance (if any), special fund payable (if any), the amount of reimbursement of the deposits for water, electricity and gas (if any), and/or the amount of debris removal fee (if any) you have to pay to the vendor or the manager of the development.

#### 3. Price list, payment terms and other financial incentives

- Vendors may not offer to sell all the residential properties that are covered in a price list. To know which residential properties the vendors may offer to sell, pay attention to the sales arrangements which will be announced by the vendors at least 3 days before the relevant residential properties are offered to be sold.
- Pay attention to the terms of payment as set out in a price list. If there are discounts on the price, gift, or any financial advantage or benefit to be made available in connection with the purchase of the residential properties, such information will also be set out in the price list.
- If you intend to opt for any mortgage loan plans offered by financial institutions specified by the vendor, before entering into a preliminary agreement for sale and purchase (PASP), you must study the details of various

#### 4. Property area and its surroundings

- Pay attention to the area information in the sales brochure and price list. According to the Residential Properties (First-hand Sales) Regulation, vendors can only present the area and price per square saleable area. Saleable area, in relation to a residential property, includes the floor area of every one of the following - (i) a balcony; (ii) a utility platform; and (iii) a veranda which forms part of the residential property - air-conditioning unit; garden; parking space; roof; stairhood; terrace and yard.
- Floor plans of all residential properties in the development, including the sales brochure, floor plans of residential properties in the development of each residential property<sup>2</sup>. The external and internal measurements in the sales brochure exclude plaster and finishes. You are advised to check the handing over of the residential property.
- Visit the development site and get to know the surroundings (including community facilities). Check town planning proposals at the location plan, aerial photograph, outline zoning plan and sales brochure.

#### 5. Sales brochure

- Ensure that the sales brochure obtained is the latest version. The latest version available to the public should be printed or examined, if possible.
- In respect of an uncompleted development, the vendor's obligation to provide the latest information or any revised sales brochures made available by the vendor should be clearly stated.
- Read through the sales brochure and in particular, check
  - whether there is a section on "relevant information" which sets out the matter that is known to the vendor but is not known to the purchaser. The enjoyment of a residential property will be set out. The information has been registered with the Land Registry will not be included.
  - the cross-section plan showing a cross-section of the building, and the level of every such street in relation to the residential floor of the building. This will help you to understand the residential floor of a building and the street level, room dimensions, and
  - interior and exterior fittings and finishes and appliances.

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- whether individual owners have responsibility to maintain slopes.

### 6. Government land grant and deed of mutual covenant (DMC)

- Read the Government land grant and the DMC (or the draft DMC). Information such as ownership of the rooftop and external walls can be found in the DMC. The vendor will provide copies of the Government land grant and the DMC (or the draft DMC) at the place where the sale is to take place for free inspection by prospective purchasers.
- Check the Government land grant on whether individual owners are liable to pay Government rent.
- Check the DMC on whether animals can be kept in the residential property.

### 7. Information on Availability of Residential Properties for Selection at Sales Office

- Check with the vendor which residential properties are available for selection. If a “consumption table” is displayed by the vendor at the sales office, you may check from the table information on the progress of sale on a date of sale, including which residential properties are offered for sale at the beginning of that date of sale and which of them have been selected and sold during that date of sale.
- Do not believe in rumours about the sales condition of the development and enter into a PASP rashly.

### 8. Register of Transactions

- Pay attention to the register of transactions for a development. A vendor must, within 24 hours after entering into a PASP with a purchaser, enter transaction information of the PASP in the register of transactions. The vendor must, within 1 working day after entering into an agreement for sale and purchase (ASP), enter transaction information of the ASP in the register of transactions. Check the register of transactions for the concerned development to learn more about the sales condition of the development.
- Never take the number of registrations of intent or cashier orders a vendor has received for the purpose of registration as an indicator of the sales volume of a development. The register of transactions for a development is the most reliable source of information from which members of the public can grasp the daily sales condition of the development.

### 9. Agreement for sale and purchase

- Ensure that the PASP and ASP include the mandatory provisions as required by the Ordinance.
- Pay attention that fittings, finishes and appliances to be included in the sale and purchase of the property are inserted in the PASP and ASP.
- Pay attention to the area plan annexed to the ASP which shows the total area which the vendor is selling to you. The total area which the vendor is selling to you is normally greater than the saleable area of the property.
- Pay attention to the vendor’s right to alter the building plans (if any) for an uncompleted development. The

expression of intent of purchasing any made available to the public. You then representative(s).

- Note that vendors (including their authorized representative(s)) of intent of purchasing a particular residential property therefore should not make such an offer

### 11. Appointment of estate agent

- Note that if the vendor has appointed an estate agent to act in the purchase of residential property in the development, you should request the agents so appointed as at the date of purchase to act in the purchase of any specified residential property. You should request the estate agent to act on your behalf.
- Before you appoint an estate agent to look after your interests, you should:
  - find out whether the agent will act in your best interests and be able to protect your best interests;
  - find out whether any commission is payable to the agent for payment; and
  - note that only licensed estate agents can act in your best interests. You should request the estate agent or salespersons to provide you with the Estate Agents Authority website: [www.eaa.gov.hk](http://www.eaa.gov.hk)

### 12. Appointment of solicitor

- Consider appointing your own solicitor to act in your best interests. You may not be able to protect your best interests if you do not.
- Compare the charges of different solicitors.

### For first-hand uncompleted residential properties

### 13. Pre-sale Consent

- For uncompleted residential property under construction, you should request the vendor whether the “Pre-sale Consent”

### 14. Show flats

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available for viewing. You are advised to get a copy of the sales brochure and make reference to it when viewing the show flats.

- You may take measurements in modified and unmodified show flats, and take photographs or make video recordings of unmodified show flats, subject to reasonable restriction(s) which may be set by the vendor for ensuring safety of the persons viewing the show flat.

### **For first-hand uncompleted residential properties and completed residential properties pending compliance**

#### **15. Estimated material date and handing over date**

- Check the estimated material date<sup>3</sup> for the development in the sales brochure.
  - The estimated material date for a development in the sales brochure is not the same as the date on which a residential property is handed over to purchaser. The latter is normally later than the former. However, the handing over date may be earlier than the estimated material date set out in the sales brochure in case of earlier completion of the development.
- Handing over date
  - The mandatory provisions to be incorporated in an ASP as required by the Ordinance include a provision requiring the vendor to apply in writing for an Occupation Document/a Certificate of Compliance or the Director of Lands' Consent to Assign (as the case may be) in respect of the development within 14 days after the estimated material date as stipulated in the ASP.
    - ◇ For development subject to the Lands Department Consent Scheme, the vendor is required to notify the purchaser in writing that the vendor is in a position validly to assign the property within one month after the issue of the Certificate of Compliance or the Consent to Assign, whichever first happens; or
    - ◇ For development not subject to the Lands Department Consent Scheme, the vendor is required to notify the purchaser in writing that the vendor is in a position validly to assign the property within 6 months after the issue of the Occupation Document including Occupation Permit.
  - The mandatory provisions to be incorporated in an ASP as required by the Ordinance include a provision requiring completion of the sale and purchase within 14 days after the date of the notification aforesaid. Upon completion, the vendor shall arrange handover of the property to the purchaser.
- Authorized Person (AP) may grant extension(s) of time for completion of the development beyond the estimated material date.
  - The mandatory provisions to be incorporated in an ASP as required by the Ordinance include a provision that the AP of a development may grant an extension of time for completion of the development beyond the estimated material date having regard to delays caused exclusively by any one or more of the following reasons:
    - ◇ strike or lock-out of workmen;

### **For first-hand completed residential properties**

#### **16. Vendor's information form**

- Ensure that you obtain the "vendor's information form" for residential property/properties you intend to purchase.

#### **17. Viewing of property**

- Ensure that, before you purchase a residential property you would like to purchase or, if it is not reasonably practicable to view the property in the development, unless you agree in writing to purchase comparable property for viewing for you. You are advised to view the property under a tenancy or reasonable restriction(s) is/are needed to view the property.

For complaints and enquiries relating to the sales of first-hand residential properties, please contact the Sales of First-hand Residential Properties Unit.

Website	: <a href="http://www.srpa.gov.hk">www.srpa.gov.hk</a>
Telephone	: 2817 3313
Email	: <a href="mailto:enquiry_srpa@hd.gov.hk">enquiry_srpa@hd.gov.hk</a>
Fax	: 2219 2220

Other useful contacts:

#### **Consumer Council**

Website	: <a href="http://www.consumer.org.hk">www.consumer.org.hk</a>
Telephone	: 2929 2222
Email	: <a href="mailto:cc@consumer.org.hk">cc@consumer.org.hk</a>
Fax	: 2856 3611

#### **Estate Agents Authority**

Website	: <a href="http://www.eaa.org.hk">www.eaa.org.hk</a>
Telephone	: 2111 2777

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## 一手住宅物業買家須知

您在購置一手住宅物業之前，應留意下列事項：

### 適用於所有一手住宅物業

#### 1. 重要資訊

- 瀏覽一手住宅物業銷售資訊網(下稱「銷售資訊網」)(網址：www.srpe.gov.hk)，參考「銷售資訊網」內有關一手住宅物業的市場資料。
- 閱覽賣方就該發展項目所指定的互聯網網站內的有關資訊，包括售樓說明書、價單、載有銷售安排的文件，及成交紀錄冊。
- 發展項目的售樓說明書，會在該項目的出售日期前最少七日向公眾發布，而有關價單和銷售安排，亦會在該項目的出售日期前最少三日公布。
- 在賣方就有關發展項目所指定的互聯網網站，以及「銷售資訊網」內，均載有有關物業成交資料的成交紀錄冊，以供查閱。

#### 2. 費用、按揭貸款和樓價

- 計算置業總開支，包括律師費、按揭費用、保險費，以及印花稅。
- 向銀行查詢可否取得所需的按揭貸款，然後選擇合適的還款方式，並小心計算按揭貸款金額，以確保貸款額沒有超出本身的負擔能力。
- 查閱同類物業最近的成交價格，以作比較。
- 向賣方或地產代理瞭解，您須付予賣方或該發展項目的管理人的預計的管理費、管理費上期金額(如有)、特別基金金額(如有)、補還的水、電力及氣體按金(如有)，以及/或清理廢料的費用(如有)。

#### 3. 價單、支付條款，以及其他財務優惠

- 賣方未必會把價單所涵蓋的住宅物業悉數推售，因此應留意有關的銷售安排，以了解賣方會推售的住宅物業為何。賣方會在有關住宅物業推售日期前最少三日公布銷售安排。
- 留意價單所載列的支付條款。倘買家可就購置有關住宅物業而連帶獲得價格折扣、贈品，或任何財務優惠或利益，上述資訊亦會在價單內列明。
- 如您擬選用由賣方指定的財務機構提供的各類按揭貸款計劃，在簽訂臨時買賣合約前，應先細閱有關價單內列出的按揭貸款計劃資料<sup>1</sup>。如就該些按揭貸款計劃的詳情有任何疑問，應在簽訂臨時買賣合約前，直接向有關財務機構查詢。

#### 4. 物業的面積及四周環境

- 留意載於售樓說明書和價單內的物業面積資料，以及載於價單內的每平方呎／每平方米售價。根據《一手住宅物業銷售條例》(第621章)(下稱「條例」)，賣方只可以實用面積表達住宅物業的面積和每平方呎及平方米的售價。就住宅物業而言，實用面積指該住宅物業的樓面面積，包括在構成該物業的一部

- 親臨發展項目的所在地實地視察，以了解任何城市規劃方案和議決，會對有關發展項目的分區計劃大綱圖，以及橫截面圖。

#### 5. 售樓說明書

- 確保所取得的售樓說明書屬最新版本，並已重新印製或檢視、或檢視及修改。
- 如屬未落成發展項目，賣方在認為有需要時，應提供何經修改的售樓說明書，以了解有關發展項目的最新資料。
- 閱覽售樓說明書，並須特別留意以下資料：
  - 售樓說明書內有否關於「有關資料」的資料，當可能對享用有關住宅物業造成影響，而該等內容不會被視為「有關資料」；
  - 橫截面圖會顯示有關建築物相對地面和該建築物最低的一層住宅樓層和街道水平的高低；
  - 室內和外部的裝置、裝修物料和設施；
  - 管理費按甚麼基準分擔；
  - 小業主有否責任或需要分擔管理費及有關開支，以及有關公眾休憩用地的開支；
  - 小業主是否須要負責維修斜坡。

#### 6. 政府批地文件和公契

- 閱覽政府批地文件和公契(或公契擬稿)及有關供政府批地文件和公契(或公契擬稿)的資料。
- 留意政府批地文件內所訂明小業主應遵守的條件。
- 留意公契內訂明有關物業內可否飼養寵物。

#### 7. 售樓處內有關可供揀選住宅物業的資料

- 向賣方查詢清楚有哪些一手住宅物業可供揀選，並得悉在每個銷售日的銷售進度資料。
- 留意在每個銷售日內有哪些住宅物業已獲揀選及售出。
- 切勿隨便相信有關發展項目銷售情況的傳聞。

#### 8. 成交紀錄冊

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## 一手住宅物業買家須知

### 9. 買賣合約

- 確保臨時買賣合約和買賣合約包含條例所規定的強制性條文。
- 留意有關物業買賣交易所包括的裝置、裝修物料和設備，須在臨時買賣合約和買賣合約上列明。
- 留意夾附於買賣合約的圖則。該圖則會顯示所有賣方售予您的物業面積，而該面積通常較該物業的實用面積為大。
- 留意賣方有權改動未落成發展項目的建築圖則(如有的話)。如屬未落成發展項目，條例規定物業的買賣合約須載有強制性條文，列明如有關改動在任何方面對該物業造成影響，賣方須在改動獲建築事務監督批准後的14日內，將該項改動以書面通知買家。
- 訂立臨時買賣合約時，您須向擁有人(即賣方)支付樓價**5%**的臨時訂金。
- 如您在訂立臨時買賣合約後**五個工作日**(工作日指並非公眾假日、星期六、黑色暴雨警告日或烈風警告日的日子)之內，沒有簽立買賣合約，該臨時買賣合約即告終止，有關臨時訂金(即樓價的5%)會被沒收，而擁有人(即賣方)不得因您沒有簽立買賣合約而對您提出進一步申索。
- 在訂立臨時買賣合約後的五個工作日之內，倘您簽立買賣合約，則擁有人(即賣方)必須在訂立該臨時買賣合約後的八個工作日之內簽立買賣合約。
- 有關的訂金，應付予負責為所涉物業擔任保證金保存人的律師事務所。

### 10. 表達購樓意向

- 留意在賣方(包括其獲授權代表)就有關住宅物業向公眾提供價單前，賣方不得尋求或接納任何對有關住宅物業的購樓意向(不論是否屬明確選擇購樓意向)。因此您不應向賣方或其授權代表提出有關意向。
- 留意在有關住宅物業的銷售開始前，賣方(包括其獲授權代表)不得尋求或接納任何對該物業的有明確選擇購樓意向。因此您不應向賣方或其授權代表提出有關意向。

### 11. 委託地產代理

- 留意倘賣方委任一個或多於一個地產代理，以協助銷售其發展項目內任何指明住宅物業，該發展項目的價單必須列明在價單印刷日期當日所有獲委任為地產代理的姓名/名稱。
- 您可委託任何地產代理(不一定是賣方所指定的地產代理)，以協助您購置發展項目內任何指明住宅物業；您亦可不委託任何地產代理。
- 委託地產代理以物色物業前，您應該一
  - 了解該地產代理是否只代表您行事。該地產代理若同時代表賣方行事，倘發生利益衝突，未必能夠保障您的最大利益；
  - 了解您須否支付佣金予該地產代理。若須支付，有關的佣金金額和支付日期為何；以及
  - 留意只有持牌地產代理或營業員才可以接受您的委託。如有疑問，應要求該地產代理或營業員出示其「地產代理證」，或瀏覽地產代理監管的網頁(網址：[www.eaa.org.hk](http://www.eaa.org.hk))，查閱牌照目錄。

### 14. 示範單位

- 賣方不一定須設置示範單位供準買家或公眾參觀，先設置該住宅物業的無改動示範單位，才可設置該設置多於一個經改動示範單位。
- 參觀示範單位時，務必視察無改動示範單位，以便制賣方安排參觀無改動示範單位及經改動示範單位。
- 賣方設置示範單位供公眾參觀時，應已提供有關發售說明書，以便在參觀示範單位時參閱相關資料。
- 您可以在無改動示範單位及經改動示範單位中進行參觀。在確保示範單位參觀者人身安全的前提下，賣方可

### 適用於一手未落成住宅物業及尚待符合條件的已落成住宅物業

### 15. 預計關鍵日期及收樓日期

- 查閱售樓說明書中有關發展項目的預計關鍵日期<sup>3</sup>。
  - 售樓說明書中有關發展項目的預計關鍵日期並不一定會較發展項目的預計關鍵日期遲。然而，假若售樓說明書列出的預計關鍵日期為早。
- 收樓日期
  - 條例規定買賣合約須載有強制性條文，列明賣方須在多少時間內，以書面為發展項目申請佔用文件、合格證明(視乎而定)。
    - ◇ 如發展項目屬地政總署預售樓花同意方案所屬的發展項目，則須在同意書發出後的一個月內(以較早者為準)；或
    - ◇ 如發展項目並非屬地政總署預售樓花同意方案所屬的發展項目，則須在同意書發出後的六個月內，就賣方有能力有效地轉讓發展項目。
  - 條例規定買賣合約須載有強制性條文，列明有關發展項目須在多少時間內完成。有關物業的買賣完成後，賣方將安排買家收樓。
- 認可人士可批予在預計關鍵日期之後完成發展項目。
  - 條例規定買賣合約須載有強制性條文，列明發展項目須在多少時間內完成。倘因下列一個原因所導致的延遲後，批予在預計關鍵日期之後完成發展項目。
    - ◇ 工人罷工或封閉工地；
    - ◇ 暴動或內亂；
    - ◇ 不可抗力或天災；

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### 適用於一手已落成住宅物業

#### 16. 賣方資料表格

- 確保取得最近三個月內印製有關您擬購買的一手已落成住宅物業的「賣方資料表格」。

#### 17. 參觀物業

- 購置住宅物業前，確保已獲安排參觀您打算購置的住宅物業。倘參觀有關物業並非合理地切實可行，則應參觀與有關物業相若的物業，除非您以書面同意賣方無須開放與有關物業相若的物業供您參觀。您應仔細考慮，然後才決定是否簽署豁免上述規定的書面同意。
- 除非有關物業根據租約持有，或為確保物業參觀者的人身安全而須設定合理限制，您可以對該物業進行量度、拍照或拍攝影片。

任何與賣方銷售受條例所規管的一手住宅物業有關的投訴和查詢，請與一手住宅物業銷售監管局聯絡。

網址	: <a href="http://www.srpa.gov.hk">www.srpa.gov.hk</a>
電話	: 2817 3313
電郵	: <a href="mailto:enquiry_srpa@hd.gov.hk">enquiry_srpa@hd.gov.hk</a>
傳真	: 2219 2220

其他相關聯絡資料：

#### 消費者委員會

網址	: <a href="http://www.consumer.org.hk">www.consumer.org.hk</a>
電話	: 2929 2222
電郵	: <a href="mailto:cc@consumer.org.hk">cc@consumer.org.hk</a>
傳真	: 2856 3611

#### 地產代理監管局

網址	: <a href="http://www.eaa.org.hk">www.eaa.org.hk</a>
電話	: 2111 2777
電郵	: <a href="mailto:enquiry@eaa.org.hk">enquiry@eaa.org.hk</a>