

Residential Properties (First-hand Sales) Ordinance

Practice Note on the dissemination of information in relation to the number of registration(s) of intent and/or cashier order(s) from registrants to the vendors of a development/phase of a development

This Practice Note sets out the best practices recommended by the Sales of First-hand Residential Properties Authority (SRPA) (as shown in *italic* below). For the avoidance of doubt, this Practice Note does not contain any requirement as stipulated in the guidelines issued under section 88 of the Residential Properties (First-hand Sales) Ordinance (the Ordinance).

The best practices are NOT part of the guidelines.

Non-compliance with the best practices per se will not be regarded as a contravention of the Ordinance or a commission of an offence under the Ordinance.

General

1. *Vendor(s) of first-hand residential properties may from time to time on their own initiatives make available, or authorize any person¹ to make available, in whatever form and through whichever channels to any members of the public information on the number of registration(s) of intent and/or cashier order(s) which the vendor(s) or its/their representative(s) have received in respect of a development/phase of a development (phase) for the purpose of registration². Such information may include, but is not limited to, the number of registration(s) of intent and/or cashier order(s) received on a specific day or during a specific period of time within a day, and/or the*

¹ Includes any individual and any body of persons, corporate or unincorporate.

² This means that vendor(s) of a development or a phase of a development adopts a registration system for prospective purchasers to submit registration(s) of intent and/or cashier order(s) as a means to register their interest in purchasing any of the specified residential properties in the development or a phase of the development any time before the scheduled time of sale on the first date of sale of the residential properties concerned.

cumulative number of registration(s) of intent and/or cashier order(s) received within a specific period of time.

Vendors are advised to, when making available any information in relation to the number of registration(s) of intent and/or cashier order(s) received for the purpose of registration, provide information on the total number of registration(s) of intent and/or cashier order(s) which are submitted by estate agents and/or salespersons for themselves

2. *With a view to giving a fuller picture to prospective purchasers, vendors are advised to, when making available any information in relation to:*

(a) *the total number of registration(s) of intent received for the purpose of registration, provide at the same time and in the same document (if applicable) also the total number of registration(s) of intent which are submitted by estate agents³ and/or salespersons⁴ who are involved in the sale and/or purchase of the development/phase concerned⁵ for themselves⁶;*

³ *For the purpose of this Practice Note, “estate agents” mean (i) individuals who are holders of an estate agent’s licence (individual) under the Estate Agents Ordinance, Cap. 511 (EAO); and/or (ii) companies which are holders of an estate agent’s licence (company) under the EAO.*

⁴ *For the purpose of this Practice Note, “salespersons” mean holders of a salesperson’s licence under the EAO.*

⁵ *For the purpose of this Practice Note, “estate agents and/or salespersons who are involved in the sale and/or purchase of the development/phase concerned” comprise (a) estate agents set out in any of the price list(s) made available by the vendor(s) for the purpose of section 32 of the Ordinance as estate agents or sub-agents of the vendor in the sale of first-hand residential properties in a development/phase; (b) individual estate agents and/or salespersons who work for (a) of this footnote; (c) estate agents who act for purchasers only in the purchase of first-hand residential property(ies) in a development/phase; and (d) individual estate agents and/or salespersons who work for (c) of this footnote .*

⁶ *For the purpose of this Practice Note, “for themselves” means -*
(a) *in the case of an individual licensee, the individual licensee submits, through the estate agency company he works for, the registration(s) of intent and/or cashier order(s) using (i) his name solely or together with other individual(s) and/or company(ies) jointly; or (ii) the name of a company of which the individual licensee is a shareholder and/or director, as registrant(s); and*
(b) *in the case of a company licensee, the company licensee, through itself, submits the registration(s) of intent and/or cashier order(s) using (i) its name solely or together with other individual(s) and/or company(ies) jointly; or (ii) the name of a company of which the company licensee is a shareholder and/or director, as registrant(s).*

(b) the total number of cashier order(s)⁷ received for the purpose of registration, provide at the same time and in the same document (if applicable) also the total number of cashier order(s) which are submitted by estate agents and/or salespersons who are involved in the sale and/or purchase of the development/phase concerned for themselves; and/or

(c) the total number of registration(s) of intent and cashier order(s) received for the purpose of registration, provide at the same time and in the same document (if applicable) also the total number of registration(s) of intent and cashier order(s) which are submitted by estate agents and/or salespersons who are involved in the sale and/or purchase of the development/phase concerned for themselves.

3. For vendors to take on board the SRPA's advice as set out in paragraph 2 of this Practice Note, they need to get to know the total number of registration(s) of intent and/or cashier order(s) which are submitted by estate agents and/or salespersons who are involved in the sale and/or purchase of the development/phase concerned for themselves. To facilitate vendors to get hold of the information, vendors are advised to adopt a "self-declared" method by requiring the provision of a statement, in English and Chinese, in the registration of intent form indicating whether the registrant or, if the registration of intent is submitted by two or more persons jointly, any of the registrants, is an estate agent and/or a salesperson who is involved in the sale/purchase of the development/phase concerned. A sample of the statement is as below:

"Please indicate if any of the registrants of this registration of intent is a holder of any licence issued under the Estate Agents Ordinance (Cap. 511) by the Estate Agents Authority and has participated in the sale and/or purchase of the first-hand residential properties in the [name of the development/phase of the development]: Yes/No."

⁷ For the purpose of this Practice Note, "cashier order" means one cashier order in the specified amount as required by the vendor in its sales arrangement for each property that the registrant wishes to express an interest to purchase. If a registrant uses more than one cashier order to make up the specified amount as required by the vendor in its sales arrangement for each property that the registrant wishes to express an interest to purchase, then for the purpose of this Practice Note, the several cashier orders as aforesaid shall be treated as one cashier order.

“請說明本「購樓意向登記」的登記人，當中有否是持有由地產代理監管局根據地產代理條例(第 511 章)批出的牌照的人士及/或公司，而有關人士及/或公司是有參予[發展項目/期數的名稱]的一手住宅物業的銷售及/或購買事宜：有/沒有。”

4. *By means of the “self-declared” method as mentioned in paragraph 3 above, vendors will be able to work out the total number of registration(s) of intent and/or the total number of cashier order(s) which are submitted by estate agents and/or salespersons who are involved in the sale and/or purchase of the development/phase concerned for themselves.*
5. *The SRPA will be delighted to see that vendors will start taking on board the SRPA’s advice as set out in this Practice Note from 21 September 2015.*

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Sales of First-hand Residential Properties Authority
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