

立法會

Legislative Council

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檔 號：CB1/PL/HG

房屋事務委員會

2008年3月3日會議

在住宅物業的銷售說明披露實用面積資料

背景資料簡介

目的

本文件載述房屋事務委員會委員先後在2007年4月2日及7月17日會議上，就有關在住宅物業的銷售說明披露實用面積資料的事宜表達的主要意見及關注事項。

披露住宅物業樓面面積資料的現行做法及提高資料透明度的改善措施

2. 事務委員會明白向準物業買家提供充足而準確的資料，使他們在掌握充分資料的情況下作出置業決定的重要性，因而一直有密切跟進與未建成一手住宅物業銷售安排有關的事宜。立法會議員過往就此事所作討論的詳情，已載列於有關銷售未建成一手住宅物業的安排的背景資料簡介(立法會CB(1)394/06-07(06)號文件)。

3. 住宅物業的樓面面積資料，特別是有關實用面積及建築樓面面積的資料，對於準物業買家作出置業決定實至為重要。政府當局採取了由政府、消費者委員會(下稱"消委會")、地產代理監管局(下稱"監管局")及香港地產建設商會(下稱"建設商會")聯手實施的多管齊下方法，改善在住宅物業銷售說明披露樓面面積資料的安排。然而，不同的樓面面積計算方法所引起的混亂情況，以及部分發展商在推售住宅物業時，於計算實用面積時加入公用地方及附屬設施，從而令發展商可"誇大"實用面積以牟取更大利潤的做法，近年已令公眾日益感到關注，而要求訂定措施以解決和披露樓面面積資料有關的問題的人也越來越多。現將此方面的現行做法及有關的改善措施載述於下。

地政總署的預售樓花同意方案

4. 住宅發展項目若受到地政總署的預售樓花同意方案(下稱"同意方案")¹所規管，發展商便須在售樓說明書內披露樓面平面圖，並根據同意方案訂明的定義，列出個別單位的實用面積。實用面積的定義及計算方法的詳情載於**附錄I**。有關的定義與香港測量師學會(下稱"測量師學會")發表的《量度作業守則》(下稱"《守則》")一致。此外，發展商亦須在售樓說明書分別列明窗台、工作平台、天台、天井等設施的實用面積，並在買賣協議中提供清晰的分項實用面積資料。

建設商會的自我規管制度及其指引

5. 建設商會已在其就未建成住宅物業的銷售說明發出的指引中，採用同意方案所訂有關實用面積的定義，並要求其會員依從。在售樓說明書中須同時列明住宅單位的建築樓面面積及實用面積。建設商會的指引亦訂明，售樓說明書所披露的單位建築樓面面積，須為單位的實用面積、獲攤分的公用地方面積及供單位買家專用的其他地方面積的總和。為確保披露所需的資料，政府當局會聯同建設商會及消委會查閱未建成住宅物業的售樓說明書及價目表。如發現當中的資料出現誤差或不全，會要求建設商會作出修正。如發展項目受同意方案規管，有關個案會轉介地政總署，以便採取適當的跟進行動。

6. 為了就資料的披露及清晰程度作出改善，建設商會已要求會員在售樓說明書內突顯有關實用面積的資料，例如以較大字體顯示該項資料。建設商會亦要求會員在價目表披露建築樓面面積及實用面積，並分別列明各項設施如露台、窗台、天台、平台、工作平台等的面積。有關方面並要求建設商會的會員在售樓說明書加入建設商會、消委會、監管局及政府的投訴熱線電話和傳真號碼，以及在售樓處的當眼地方張貼該等號碼。建設商會指引的最新版本載於**附錄II**。

7. 建設商會於2007年年初成立了監察委員會²，以提高自我規管制度的公信力。為了進一步改善銷售安排，建設商會亦由2006年年底開始，規定會員須提交獨立核數師報告，證明有關的文件並無問題，然後才可展開住宅發展項目的預售工作。

¹ 地政總署的同意方案在1961年推出，並曾於2004年進行重大檢討。發展商必須符合同意方案的有關規定，才可獲地政總署發出預售樓花同意書。保障買家權益的規定包括須證明發展商擁有足夠的財政能力完成發展樓盤；強制規定在廣告及售樓說明書披露資料；以及買家在發展商不能完成物業的情況下有權取消合約等。

² 監察委員會的成員包括由建設商會執行委員會成員提名的業內人士，以及應邀以獨立身份擔任委員會成員的律師事務所執業律師。關於違反建設商會指引的指稱將會交由監察委員會進行調查，而查明屬實的投訴個案則會交由研訊會處理。研訊會由5名成員組成，其成員將由監察委員會委員輪流出任。最少有一位成員屬獨立委員的研訊會將負責就有關個案作出裁決，並從發出警告信、作出內部譴責及作出公開譴責此三重罰則之中，決定採取何種適當的紀律處分行動。

規管地產代理的執業手法

8. 在加強買家對樓面面積資料的瞭解及認識方面，地產代理擔當重要的角色。監管局已發出執業指引，要求地產代理向準買家提供準確的物業資料(包括物業的實用面積)、派發由發展商提供的價目表，以及提醒準買家在認購前詳閱售樓說明書。除了巡查售樓處以確保地產代理依從執業指引之外，監管局亦收緊發放地產代理牌照的資格要求，並加強就地產代理的專業失當行為進行執法。

消費者教育

9. 消委會聯同監管局印發了一份消費者須知，提醒置業人士必須注意多項事宜，包括小心閱讀銷售說明中包括實用面積在內的面積資料。物業買家亦獲提醒在對擬購入單位的樓面面積資料有任何疑問時，尋求專業人士的意見。該份須知亦即其後發布的"一手住宅物業買家須知"，並曾作出修訂以提醒消費者特別留意擬購入物業的實用面積。經修訂的須知亦列出消委會、監管局、建設商會和運輸及房屋局的熱線電話及傳真號碼，讓公眾知悉表達意見或提出投訴的途徑。該份須知截至2007年7月的最新版本載於**附錄III**。為協助消費者更清楚瞭解建設商會的售樓指引，消委會和監管局已把有關指引上存於其網站，供市民瀏覽。政府當局亦設立了專線和網頁，蒐集市民對一手住宅物業銷售安排的意見及接受他們提出的投訴。

測量師學會改善在住宅物業銷售說明披露實用面積資料的安排的建議

10. 為了釐清現時因出現新的建築技術和業界術語而產生的含糊之處，以及其他有欠清晰的地方，測量師學會成立了工作小組，就《守則》的內容展開檢討。第一階段的檢討工作和實用面積有關，而工作小組亦希望在稍後階段檢討建築樓面面積。事務委員會曾分別於2007年4月2日及7月17日舉行的會議上，與政府當局及建設商會、測量師學會、消委會和監管局的代表會晤，並聽取測量師學會就實用面積作出修改的建議的簡報。委員察悉測量師學會考慮以"主體面積"及"附屬面積"取代《守則》內有關實用面積及"附屬地方"的條文，以便釐清和可以作出不同詮釋的實用面積有關的含糊之處。"主體面積"及"附屬面積"的詳細內容如下：

- (a) 主體面積包括圍牆內樓底全高不少於2米的有蓋範圍的面積，而該範圍可在沒有任何使用限制之下作十足正常居住用途；及
- (b) 附屬面積包括供有關單位專用但不符合主體面積定義的其他地方的樓面面積，所包括的部分計有閣樓、窗台、天井／台階／花園／平台／天台／開敞式露台、車房、泊車位、機房／電錶房及將由測量師學會指明的其他地方，而各個部分的面積均須分開列明。

11. 截至2007年7月的測量師學會建議的最新版本載於**附錄IV**。鑒於有關建議會帶來重大影響，委員察悉測量師學會會進一步與其他利益相關者，包括政府當局、消委會、監管局及建設商會作出仔細研究，以期在進一步推行有關建議前達成共識。政府當局認為，就實用面積訂定明確的定義及有關各方均會採用的劃一計算方法，將有助消除誤解及提高樓面面積資料的透明度。當局答允在測量師學會完成其檢討後，研究經修訂的《守則》所帶來的影響，並研究是否有需要檢討同意方案中的有關條款，以及在建設商會的指引訂明有關規定的可行性。

委員就披露樓面面積資料表達的主要意見及關注

對測量師學會所提建議的意見

12. 在事務委員會2007年4月2日及7月17日會議上，委員及團體代表就測量師學會的建議表達了不同意見。消委會及部分委員對有關建議表示支持，因該項建議可令置業人士清楚瞭解單位的實用率，因而有助他們就不同單位的售價作出比較。可是，建設商會及部分其他委員則關注到新訂的定義可能會誤導公眾，並會影響二手市場上130多萬個物業的估值。他們認為有需要進一步討論測量師學會的建議，因為發展商近年已就提供銷售資料作出改善，讓買家可在掌握充分資料的情況下作出置業決定。委員促請建設商會及測量師學會就有關建議與其他利益相關者進行討論，包括專業人士如香港建築師學會的代表。部分委員亦促請政府當局規定經修訂的《守則》，將同時適用於受到及不受到同意方案規管的未建成一手住宅物業。

作出法定規管的需要

13. 部分事務委員會委員認為建設商會的自我規管制度無效，並強調有需要訂定規管銷售住宅物業的法定措施，以保障買家的權益。就此，事務委員會於2007年4月2日會議上通過一項議案，要求政府當局重新展開《未建成住宅物業銷售說明白紙草案》的討論，並以有關討論為基礎立法規管住宅物業銷售說明的安排。部分委員並認為應把遵守建設商會的指引納入為同意方案的規定，以便政府在發展商違反有關指引時可撤回就樓盤銷售作出的同意及施加懲罰，使發展商發出的售樓說明書在法律上具有約束力，並規定發展商須在其網站公布售樓資料(例如單位的價目表)以提高市場的透明度。

14. 政府當局回應時表示，當局為改善住宅物業的銷售安排而採取的多管齊下方法，已在保障消費者及維持自由的營商環境之間取得合理的平衡。政府當局承諾會繼續檢討現行的規管機制，如現有機制證明無法達致預期效果，政府不排除會採取適當的行政或立法手段以加強現時的管制。

以劃一方法計算每平方呎售價的需要

15. 地產發展商目前採用不同的方法，計算未建成住宅單位的每平方呎售價，例如分別按實用面積或建築樓面面積計算每平方呎售價。由於欠缺就不同物業作出有意義及客觀比較的共同基礎，消費者容易感到混淆。因此，部分委員促請有關方面在售樓說明書提供實用面積各組成部分的資料和個別單位的建築樓面面積，並考慮就實用面積的定義賦予法律效力，規定發展商在價目表及臨時買賣協議中訂明住宅單位按建築樓面面積及實用面積計算的每平方呎售價。

樓底高度資料

16. 鑒於公眾對樓底高度資料感到關注，委員要求有關方面改善在銷售說明中提供此方面資料的清晰程度。委員察悉按建築業界所作界定，"樓底高度"包括地板的厚度。由於消費者無從得知地板的厚度，故建議在銷售說明中加入單位"從地板至天花板"的實際高度的資料，以免出現糾紛。據建設商會表示，根據屋宇署的既定做法，量度樓層高度時是計算結構組件之間的高度，而不理會諸如批盪及地台等的終飾。因此，在進行量度時會同時考慮天花板及地板的厚度。至於在銷售說明中加入單位從地板至天花板的實際高度的建議，建設商會表示在實行時會有困難，因為天花板及地板的厚度，有可能會因為造工不同及視乎有否鋪上地磚或木板而有差別。

17. 政府當局表示已要求建設商會改善在銷售說明披露的樓底高度資料的明確程度，並會與建設商會聯繫，訂定可行的改善措施。

最新發展

18. 測量師學會在2008年2月通過發布名為《量度作業守則補編》的補充文件，藉以澄清和實用面積有關的資料。事務委員會已邀請政府當局、測量師學會、建設商會、監管局及消委會的代表出席將於2008年3月3日舉行的下次會議，進一步討論提高在住宅物業銷售說明提供的實用面積資料的準確性及透明度的進展情況。

參考資料

19. 相關文件連同其在立法會網頁的超文本連結的一覽表載於**附錄V**。

立法會秘書處
議會事務部1
2008年2月29日

地政總署法律諮詢及田土轉易處的預售樓花同意方案
所訂的"實用面積"定義

"實用面積"指 ——

1. 就牆壁圍封的單位而言，"實用面積"指單位的樓面面積(包括任何露台及走廊的樓面面積)。量度樓面面積，須從單位圍牆的外圍邊界量起，但用以分隔兩個毗連單位的圍牆除外。用以分隔兩個毗連單位的圍牆，須從該等圍牆的中線量起。"實用面積"並包括單位內的內部間牆及支柱，但不包括單位圍牆外的公用地方。倘圍牆緊連公用地方，則緊連公用地方的圍牆的全部厚度亦包括在內；
2. 就任何閣樓(cockloft)而言，"實用面積"指閣樓的樓面面積。量度樓面面積，須從閣樓圍牆的內圍邊界量起；
3. 就任何不延伸至單位地板水平的窗台(bay window)而言，"實用面積"指窗台的面積。量度窗台的面積，須從窗台圍牆或玻璃窗的外圍邊界及從窗台與落地牆壁的接合點量起，但不包括該落地牆壁的厚度；
4. 就任何泊車位(car parking space)而言，"實用面積"指泊車位的面積(泊車位的尺寸及高度須另行列出)。量度泊車位的面積，須視乎情況，從泊車位的分界線或圍牆的內圍邊界量起；
5. 就任何天井(yard)、台階(terrace)、花園(garden)、平台(flat roof)或天台(roof)而言，"實用面積"指天井、台階、花園、平台或天台的面積。量度天井、台階、花園、平台或天台的面積，須從其界線的內圍邊界量起。倘界線由牆壁造成，則從牆壁的內圍邊界量起；及
6. 就任何工作平台(utility platform)而言，"實用面積"指工作平台的面積。量度不被牆壁圍封的工作平台的面積，由外圍邊界量起。倘工作平台被牆壁圍封，則從圍牆的外圍或邊界量起，但用以分隔兩個毗連工作平台的圍牆或邊界除外。用以分隔兩個毗連工作平台的圍牆或邊界，須從該等圍牆或邊界的中線量起。"實用面積"並包括工作平台內的內部間牆及支柱，但不包括該等圍牆及邊界以外的公用地方，也不包括緊連任何單位的牆壁或邊界的全部厚度。倘任何圍牆或邊界緊連公用地方，則包括工作平台牆壁或邊界的全部厚度。

(資料來源：政府當局就房屋事務委員會2007年4月2日會議提交的資料文件(立法會CB(1)1221/06-07(03)號文件)附件一。)

香港地產建設商會發出的
有關未建成住宅物業銷售說明書的指引

主題	發出日期	附件
• 關於未建成住宅物業銷售說明書的指引 (中文譯本)	2007年5月17日	I
• 關於未建成住宅物業銷售說明書的指引 (中文譯本)	2007年4月25日	II
• 關於未建成住宅物業銷售說明書的指引 —— 關於內部認購的補充指引(只備英文本)	2006年8月25日	III
• 銷售未建成住宅物業(只備英文本)	2006年6月1日	IV
• 銷售未建成住宅物業(只備英文本)	2005年10月5日	V
• 未建成住宅物業的銷售說明書(只備英文本)	2004年9月23日	VI
• 有關推出發售的住宅物業的付款方法及 財務安排(只備英文本)	2003年9月9日	VII
• 關於未建成住宅物業銷售說明書的指引 (只備英文本)	2001年6月22日	VIII

(資料來源：摘錄自消費者委員會的網站(網址：
http://www.consumer.org.hk/website/ws_chi/shopping_tips/services/READGuideline.html)。)

(中文譯本)

致 ： 香港地產建設商會公司會員
 （並以傳真發送執行委員會和法律事務委員會委員）

日期 ： 2007 年 5 月 17 日

主題 ： 未建成住宅物業的銷售說明書

各位會員：

本函進一步闡釋 2007 年 4 月 25 日通函所提的事項。

關於在價單上披露銷售面積資料的方式，會員應在其價單上如同售樓說明書一樣，分別列出單位露台、窗台、天台、平台、工作平台等設施的面積，而有關銷售面積的定義，必須與法律諮詢及田土轉易處預售樓花同意方案的定義相符。

這項規定將於 2007 年 6 月 1 日或之前生效。為貫徹服務為本的方針，敬請會員在銷售現樓項目時亦同樣採納是項規定。

謹請各會員惠察，繼續予以支持，並落實上述措施。

執行委員會副主席梁志堅

(中文譯本)

致 ： 香港地產建設商會公司會員
 （並以傳真發送執行委員會和法律事務委員會委員）

日期 ： 2007 年 4 月 25 日

主題 ： 未建成住宅物業的銷售說明書

各位會員：

本會有關未建成住宅物業銷售說明書的作業指引規定，銷售說明書必須列出銷售面積和建築面積。

最近，房屋及規劃地政局要求本會在銷售說明書上，以更顯眼的方式（例如以較大字體）列出樓面面積，以及在價單上同時披露銷售面積和建築面積的資料。本著提高銷售資訊的清晰度為目標，本會同意局方的要求，敬請會員在可行的情況下，盡快採納這些措施。

此外，請各會員在售樓處提供消費者委員會和地產代理監管局印製的《一手住宅物業買家須知》。並貫徹服務為本的方針，在售樓處當眼地方，展示顧客服務熱線的電話號碼。

謹請各會員惠察，繼續予以支持，並採納上述措施。

執行委員會副主席梁志堅



香港地產建設商會

Annex III

THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG KONG

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Room 1403, World-Wide House, 19 Des Voeux Road Central, Hong Kong.
Tel: 2826 0111 Fax: 2845 2521

To REDA Corporate Members
(Members of Executive Committee & Legal Subcommittee via fax)

Date 25 August 2006

Subject: **Guidelines for
Sale Descriptions of Uncompleted Residential Properties
- Supplementary Guidelines on Private Sale**

At the meeting with the Housing, Planning and Lands Bureau, the Consumer Council and the Estate Agents Authority today, we have agreed to introduce the following revisions to the subject Guidelines with immediate effect:

The price list of the flats to be offered in first launch (which should not be less than 20 flats or 20% of the total number of flats on offer at the first batch, whichever is the higher) should be provided to potential purchasers at least 24 hours before such flats are put up for sale.

For subsequent batches, an up-to-date price list should be made available and posted at the sales office immediately prior to the time when such flats are put up for sale.

Enclosed please find an updated version of the Guidelines for your attention.

Needless to say, your continued cooperation and support in complying with our Guidelines is essential to preserving the integrity and credibility of our self-regulatory regime.

Stewart Leung
Vice Chairman, Executive Committee



香港地產建設商會

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Guidelines for Sales Descriptions of Uncompleted Residential Properties • Supplementary Guidelines on Private Sale

To enhance the transparency of the private sale mechanism, the following supplementary guidelines are to be adopted by all members of The Real Estate Developers Association of Hong Kong with immediate effect. Should there be any conflict between these guidelines and the conditions of the LACO Consent Scheme, the LACO Consent Scheme shall prevail.

Please note that these guidelines do not apply to sales to investors and staff.

Provision of Sales Brochures and other Essential Information

1. Sales brochures should be made available to prospective purchasers at least 24 hours before the private sale.
2. Sales brochures should contain essential information in respect of the property offered for sale, including but not limited to the following:
 - Floor area and floor plan
 - Prominent fittings and finishes
 - Location plan drawn to scale
 - Disposition plan
 - Salient conditions of the Government lease
 - Salient provisions of the draft DMC
 - Obligations for slope maintenance if any
 - Anticipated completion date
 - Management fee details



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3. A copy of the draft DMC and the Government lease should be provided at the sales office for free inspection by prospective purchasers.
4. An enquiry counter should be set up at the sales office and a hotline be made available to provide information relating to the property being offered for sale.
5. Leaflets on useful information for flat purchasers published by the Consumer Council and/or the Estate Agents Authority should be made available at the sales office.
6. Reasonable steps should be taken to inform purchasers of subsequent material changes with regard to the information provided in the sales brochures.

Provision of Price List

7. The price list and the list of flats on offer should be made available at the sales office to prospective purchasers and also through estate agents (if engaged).
8. The price list of the flats to be offered in first launch (which should not be less than 20 flats or 20% of the total number of flats on offer at the first batch, whichever is the higher) should be provided to potential purchasers at least 24 hours before such flats are put up for sale. (*w.e.f. 25 August 2006*)
9. For subsequent batches, an up-to-date price list should be made available and posted at the sales office immediately prior to the time when such flats are put up for sale. (*w.e.f. 25 August 2006*)

Announcement of Sales Performance

10. Members are free to decide on whether or not to make public the results of their sales. If they choose to publicize, any information provided must be as accurate as possible.



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Conduct of Sale

11. Members should ensure that their sales activities are conducted in an orderly manner.

Engagement of Estate Agency

Members should specify in their promotional materials the name of any estate agency engaged by them.

Clear instructions on sales arrangements must be provided to the engaged estate agency.

14. Appropriate action should be taken against any estate agent (if estate agency is engaged) who is found to have adopted unprofessional sales practices.

Monitoring

15. Random check on the compliance with these Guidelines by members will be conducted by the REDA Secretariat.

(First issued on 24 June 2005
Revised on 25 August 2006)



To : **REDA Corporate Members**
(Members of Executive Committee & Legal
SubCommittee via fax)

From : 1 June 2006

Subject: **Sale of Uncompleted Residential Properties**

With the view of enhancing the credibility of our self-regulatory regime, we have agreed with the Housing, Planning and Lands Bureau that the following measures will be implemented in the sale of uncompleted residential properties with immediate effect:

1. In the announcement of sales results, the definition of a "sale" is to be standardized to refer to the "signing of a Preliminary Agreement of Sales and Purchase". Please be reminded that under our Guidelines, members are free to decide on whether or not to make public the results of their sales, but if they choose to publicize, any information provided must be as accurate as possible.
2. For phased developments, in order that prospective purchasers of subsequent phases may gain a knowledge of the house rules introduced in the earlier phase(s), our members will provide a copy of such house rules (if available) at the sales office for inspection upon request.
3. Members are requested to refamiliarize themselves with our 1998 Guidelines (attached) on the maintenance of order at the time of sales.
4. Larger prints or coloured text should be used in sales brochure to draw prospective purchasers' attention to owners' responsibilities regarding maintenance of public facilities.



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In addition, we have recently received a number of complaints from the Bureau that on occasions our members had failed to provide them and the Consumer Council with a set of their sales brochure and price list of their uncompleted residential property projects under private sale. Please note that our Supplementary Guidelines on Private Sale of June 2005 and a further reminder dated 5 October 2005 (attached) provide that members should forward a set of sales brochure and price list to these two parties as soon as they become available to prospective purchasers.

Your attention is also drawn to the requirement of the provision of a location plan in the sales brochure to show all free-standing and purpose built facilities within 0.25km of a development. In relation to this requirement our Guidelines of June 2001 remain effective, and your reference to the Annex B therein (copy attached) for the specification of a location plan is requested.

Your continued cooperation and support in this matter is much appreciated.

Stewart Leung
Vice Chairman, Executive Committee



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1. This Guideline is prepared by the Real Estate Developers of Hong Kong (REDH).
2. REDH recommends all its members to adopt this Guideline as a supplementary document to an Appointment letter in the circumstance of their commissioning real estate agencies to promote, assist, or participate in the marketing and selling exercise of their residential projects.
3. Members are reminded to exercise their own commercial discretion in adopting this Guideline and are welcome to insert additional terms to the contents of which to suit the individual character of their projects. However, it is strongly recommended that 2.a to 2.f be retained to ensure order is maintained throughout the selling exercise.

Disclaimer

In providing this Guideline REDH bears no responsibility or liability for the real estate developers and/or the real estate agencies who have entered into such agreements. It is also recommended that members should refer to the land lease documents, the consent letters or any other relevant documents, and consult their own legal advisors to gain a full view of significance in designing their own sales exercise.

22 October 1998



香港地產建設商會

THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG KONG

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Room 1403, World-Wide House, 19 Des Voeux Road Central, Hong Kong.
Tel: 2826 0111 Fax: 2845 2521

To : REDA Corporate Members
(Members of Executive Committee & Legal SubCommittee via fax)

Date : 5 October 2005

Subject : Sale of Uncompleted Residential Properties

Dear Members

Under the LACO Presale Consent Scheme, developers are required to provide one copy of the sales brochure of their uncompleted residential property projects under public sale to the Housing, Planning & Lands Bureau and the Consumer Council. Most of our members are also adopting the same practice for their projects under private sale or those not subject to the LACO Presale Consent Scheme.

The Bureau and the Consumer Council are now requesting our members to regularise this practice and forward to them sales brochures, irrespective of the type of sales, as soon as they become available to prospective purchasers.

Whilst this is not a requirement under the Presale Consent Scheme, members will appreciate that complying with this request will enhance the credibility of REDA's self-regulatory regime. Your cooperation and support in this matter will be much appreciated.

Stewart Leung
Vice Chairman, Executive Committee

Guideline for the Selling Exercise of the :

Name of the Developer :

Name of the Development Project :

Address of the Development Project :

Address of the Sales Office :

Name of the External Real Estate
Agency Under Appointment :

Appointment & Duration
of the Sales Exercise :

Other Commercial Terms : (To be specified by individual developers)

Regulations for Maintaining Order at the Project Site And/Or Sales Office

1. The Developer will station its own security team to maintain order in the sales office and/or the project site.
2. The real estate agency under commission should appoint not more than (to be specified by individual developer) employee(s) as the responsible person(s) to be in charge of this selling exercise. This/These person(s) should have the responsibility to
 - a. ensure that not more than real estate agents of their company are sent and stationed at the same time in the sales office and/or the project site to participate in the exercise;
 - b. ensure the true identity of their staff in the said area and that all of them wearing the company uniforms or any other forms of identity are full-time employees of their company. No part-time employees would be allowed to participate in the selling exercise. Sub-contracting the job is forbidden;
 - c. ensure that their employees behave in a professional and orderly manner at all times in their conduct with staff of the developer, prospective purchasers and representatives of other real estate agencies;
 - d. ensure that their employees in the said area must observe and comply with the directions of the developer and/or its security team regarding the maintenance of order for the selling exercise;
 - e. ensure that the agents designated to staff the project site and/or sales office shall use their best efforts to promote the above mentioned project only and not any other projects;
 - f. ensure that the appointed estate agents and their staff must reflect accurately and only those information of the development project provided by the developer;
 - g. (other terms : to be specified by the Developer as required)
3. Upon prior notice to the appointed real estate agency the developer has full discretion and freedom to revise or amend the content of the Guideline as and when the situation requires.
4. The developer shall be entitled, without liability of compensation, to terminate the appointment in the event that any of the above terms is breached by the appointed real estate agency.



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Annex B

The location plan should show clearly and identify all free standing and purpose-built facilities, such as:-

- i. clinics;
- ii. fire stations and ambulance depots;
- iii. funeral parlours and cemeteries;
- iv. judicial facilities;
- v. refuse collection points;
- vi. hospitals;
- vii. markets;
- viii. police stations;
- ix. public car parks and lorry parks;
- x. public conveniences;
- xi. public transport terminals and rail stations;
- xii. public utility installations;
- xiii. religious institutions;
- xiv. schools;
- xv. social welfare facilities and
- xvi. sports facilities and sports grounds

within 0.25km from the boundary of the lot.



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Annex V

THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG KONG

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To **REDA Corporate Members**
(Members of Executive Committee & Legal Subcommittee via fax)

Date 5 October 2005

Subject : **Sale of Uncompleted Residential Properties**

Dear Members

Under the LACO Presale Consent Scheme, developers are required to provide one copy of the sales brochure of their uncompleted residential property projects under public sale to the Housing, Planning & Lands Bureau and the Consumer Council. Most of our members are also adopting the same practice for their projects under private sale or those not subject to the LACO Presale Consent Scheme.

The Bureau and the Consumer Council are now requesting our members to regularise this practice and forward to them sales brochures, irrespective of the type of sales, as soon as they become available to prospective purchasers.

Whilst this is not a requirement under the Presale Consent Scheme, members will appreciate that complying with this request will enhance the credibility of REDA's self-regulatory regime. Your cooperation and support in this matter will be much appreciated.

Stewart Leung
Vice Chairman, Executive Committee



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Annex VI

THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG KONG

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Room 1403, World-Wide House, 19 Des Voeux Road Central, Hong Kong.
Tel: 2826 0111 Fax: 2845 2521

Date 23 September 2004
To REDA Corporate Members
Subject : Sales Descriptions of Uncompleted Residential Properties

The practice of bundling telecommunication services with property management was the subject of a recent meeting with the Consumer Council, and consequently an understanding was reached by both sides.

It was agreed that our members would state wherever possible in their sales brochures the respective payment terms and contract periods for any telecommunication services to be made available with their property should the management fee be inclusive of such services. It was also understood that this might not always be possible as the terms of such services may not be finalized at the time of the pre-sale. Our overriding objective however is to make such offers of services as transparent as possible. Likewise, facilities that are to be "carved-out" from the common areas will also be specified clearly in the sales brochures.

Details of our understanding with the Consumer Council can be found in the enclosed letter. Your cooperation in putting such understanding into practice would be appreciated.

Stewart Leung
Vice Chairman
Executive Committee

Enclosure



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Annex VII

THE REAL ESTATE DEVELOPERS ASSOCIATION OF HONG KONG

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Room 1403, World-Wide House, 19 Des Voeux Road Central, Hong Kong.
Tel: 2826 0111 Fax: 2845 2521

Date : 9 September 2003
To : REDA Corporate Members
Subject : Payment Methods and Financial Arrangements
In respect of Residential Properties offered for Sale

Our Legal SubCommittee has met recently to consider a case of complaint received from the Consumer Council/Estate Agents Authority that the information provided to a prospective purchaser by an estate agent on the payment methods and financial arrangements in respect of a residential project was confusing.

To avoid unnecessary dispute in these sensitive areas, the Legal SubCommittee has proposed the following practice which, upon adoption, should strike the right balance in the process of sale:

Information on payment methods and financial arrangements (including first and second mortgages if any) in respect of residential properties offered for sale by members will be made available in writing at members' sales offices to prospective purchasers and estate agents, where applicable.

We believe it is in the interest of members that the above practice is put in place as soon as practicable. Your cooperation and support would be much appreciated.

Stewart Leung
Vice Chairman
Executive Committee



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Guidelines for Sales Descriptions of Uncompleted Residential Properties

1. These Guidelines which were prepared by The Real Estate Developers Association of Hong Kong ("REDA") are recommended for the adoption by all its members as soon as practicable.
2. Should there be any conflict between these Guidelines and the conditions of the LACO Consent Scheme, the LACO Consent Scheme shall prevail.
3. Responsibility for the compliance of these Guidelines will rest with individual developers.
4. Sales brochures issued prior to 1 October 2001 will not be affected.



香港地產建設商會

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Guidelines for Sales Descriptions of Uncompleted Residential Properties

A. Information on residential properties for sale

The following information concerning the residential properties should be provided in sales brochures:

1. floor area of the residential properties

The calculation of the saleable area and gross floor area of the residential properties should be standardized as follows:

- i. The saleable area of a residential property shall be calculated in accordance with the definition set out in the standard form of Agreement for Sale and Purchase as provided in LACO Circular Memorandum 40A. The criteria of calculation are listed out in Annex A.
- ii. The gross floor area of a residential property shall be the sum of its saleable area, its apportioned share of the common areas, together with any other area which is for the exclusive use of its purchaser. The apportionment to the individual residential property attributable to common areas such as clubhouses, lift lobbies, management offices, etc shall be listed clearly.

2. floor plan

Floor plans of typical and non-typical floors should be shown. It is sufficient to show only one plan to represent a number of floors with similar layout and external dimensions. The floor plan should contain dimensions of compartments of the residential properties and the floor-to-floor height of the residential properties in each case in accordance with the latest building plan approved by the Building Authority. A note should be inserted at a conspicuous place adjacent to the floor plan to bring to the reader's attention that the internal areas of upper floors may be slightly greater than that of the lower floors.

3. prominent fittings and finishes



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B. Information on the development and adjacent areas

1. Location plan

The location plan should show existing communal facilities as listed under Annex B located within a distance of 0.25km from the boundary of the development. Existing and proposed land uses of an area within 0.5km of the boundary as shown in the latest Outline Zoning Plan should be included. The location plan should indicate the location of public transport terminals and rail stations and any pictorial presentations should be drawn to scale.

2. Disposition plan

The disposition plan should show the location and layouts of buildings, open areas and facilities within the boundary of the development and the expected completion date of the buildings and facilities.

3. Conditions of the Government lease

The sales brochures should contain information on salient conditions of the Government lease including user restrictions, expiry date, any community facilities to be constructed and any obligations to construct or maintain structures or landscape inside or outside the boundary of the land on which the development is to be constructed, etc.

4. Deed of mutual covenant

The sales brochures should contain information on salient provisions of the Deed of Mutual Covenant including common parts, undivided shares, sharing of management fees, appointment of manager, retained areas, etc.

5. Slope maintenance

The sales brochures should set out clearly the obligations of owners to maintain slopes etc. together with a plan showing such slope etc. and the undertakings, if any, of the developer to carry out any work on any slopes etc.



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C. Timing of provision of sales brochures

The sales brochures and price list should be made available before the date of public sale of the residential properties. For additional residential properties to be offered at the same sale exercise, the price list of such residential properties should be provided before the date of their public sale.

D. Notice as to possible changes

The sales brochures should state their date of printing. The latest version of the sale brochures should be made available at the sales office immediately on the first date of public sale. A conspicuous note should be inserted to alert readers about information which is subject to change.



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Extracted from LACO Circular Memorandum 40A, Appendix XII A

Annex A

Definition Of "Saleable Area"

"Saleable area" means :-

- (i) in relation to a unit enclosed by walls, the floor area of such unit (which shall include the floor area of any balconies and verandahs), measured from the exterior of the enclosing walls of such unit except where such enclosing walls separate two adjoining units in which case the measurement shall be taken from the middle of those walls, and shall include the internal partitions and columns within such unit; but shall exclude the common parts outside the enclosing walls of such unit Provided That if any of the enclosing walls abut onto a common area, then the whole thickness of the enclosing walls which so abut shall be included;

in relation to any cockloft, the floor area of such cockloft measured from the interior of the enclosing walls of such cockloft;

in relation to any bay window which does not extend to the floor level of a unit, the area of such bay window measured from the exterior of the enclosing walls or glass windows of such bay window and from the point where the bay window meets the wall dropping to the floor level of a unit but excluding the thickness of such wall;

in relation to any carparking space, the area of such carparking space (the dimensions of which should be separately set out) measured from the interior of its demarcating lines or enclosing walls, as the case may be;

- (v) in relation to any yard, terrace, garden, flat roof or roof, the area of such yard, terrace, garden, flat roof or roof measured from the interior of their boundary lines, and where the boundary consists of a wall, then it shall be measured from the interior of such wall.



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Annex B

The location plan should show clearly and identify all free standing and purpose-built facilities, such as:-

- i. clinics;
- ii. fire stations and ambulance depots;
- iii. funeral parlours and cemeteries;
- iv. judicial facilities;
- v. refuse collection points;
- vi. hospitals;
- vii. markets;
- viii. police stations;
- ix. public carparks and lorry parks;
- x. public conveniences;
- xi. public transport terminals and rail stations;
- xii. public utility installations;
- xiii. religious institutions;
- xiv. schools;
- xv. social welfare facilities and
- xvi. sports facilities and sports grounds

within 0.25km from the boundary of the lot.

一手住宅物業 買家須知



2007年7月

1. 決定購買一手住宅物業前，你應該：

- ☐ 謹記購買「樓花」和已落成住宅有所不同；
- ☐ 計算買樓的總開支，如律師費、按揭費用、保險費及釐印費等；
- ☐ 向銀行查詢能否獲得所需的按揭貸款、選擇合適你的付款方法、計算按揭貸款額及確保貸款額在你的還款能力之內；
- ☐ 實地了解物業的鄰近環境（包括交通和社區設施等），及查明有否影響物業的城市規劃建議和決定；
- ☐ 仔細留意「售樓說明書」及價單中有關銷售（又稱實用）和建築面積的資料，例如單位的銷售面積的計算是否包括露台、平台、天台、花園、閣樓、天井、台階、窗台、工作平台、冷氣機房及結構牆身預製組件等地方，及各部分的面積。計算單位尺價時，應清楚明白銷售和建築面積可包含不同範圍。如對有關資料有任何疑問，應諮詢測量師或律師，及向發展商查詢；
- ☐ 詳閱「售樓說明書」其他內容，例如室外及室內的建築材料及設備、預計竣工日期及管理費包括的項目，如是否包括上網費用及會所費用等，並了解政府租契條款、大廈公契條款的主要內容，例如是否可以於物業內飼養動物等；
- ☐ 參閱政府租契及大廈公契草稿，例如，大廈公契會列明天台及外牆業權的擁有權。發展商應在售樓處提供地契及大廈公契草稿副本供準買家免費查閱；
- ☐ 查閱同類物業最近成交價格，以作比較；
- ☐ 確保發展商職員或其他人士曾向你解釋或保證的重要事項（1）於臨時及正式買賣合約中書面列明，成為合約條款；或（2）在另一份書面合約列明；
- ☐ 明白臨時買賣合約為有法律約束力的文件。如你簽署後想取消該合約，而（1）有關物業屬於「預售樓花同意書」下的單位，你可能被沒收訂金（以樓價5%為上限）；或（2）有關單位不屬於「預售樓花同意書」下的單位，發展商可能採取法律行動要求你履行有關合約，或因你違反合約而沒收訂金及要求作出賠償。

2. 委託地產代理介紹樓盤前，你應該：

- ☐ 了解該代理是否只代表你（如該代理同時代表發展商，發生利益衝突時，他未必能夠保障你的利益）；
- ☐ 確定是否需要支付佣金予代理，其金額和支付的時間（均可以由代理與你自行協議）；
- ☐ 注意祇有持牌的地產代理或營業員方可接受你的委託。如有懷疑，你可以要求該地產代理或營業員出示「地產代理證」，或瀏覽地產代理監管局的網頁www.eaa.org.hk，查閱牌照目錄；
- ☐ 留意有些發展商會直接向公眾售賣樓宇，你可決定是否委託地產代理。

3. 購買「預售樓花同意書」下的「樓花」前，你應該：

- ☐ 向發展商確定是否已獲得地政總署批出「預售樓花同意書」；
- ☐ 留意發展商及地產代理不可以在發展商獲發「預售樓花同意書」前，收取任何訂金或「留位費」；
- ☐ 注意訂金應支付給負責託管買家款項的律師行。

4. 委託律師前，你應該：

- ☐ 考慮自行委託律師，以保障你的利益（如律師同時代表發展商，發生利益衝突時，他未必能夠保障你的利益）；
- ☐ 比較不同律師的收費。

你可透過以下專線，就物業銷售安排或代理執業手法作出投訴或表達意見：

	電話	傳真
消費者委員會	2929 2222	2590 6271
地產代理監管局	2111 2777	2598 9596
運輸及房屋局	2186 8323	2509 3770
香港地產建設商會	2826 0111	2845 2521



地產代理監管局
ESTATE AGENTS AUTHORITY



消費者委員會
CONSUMER COUNCIL



Submission by The Hong Kong Institute of Surveyors

**Panel meeting on
“Disclosure of saleable area in sales description for residential properties”
17 July 2007**

Saleable Area – Proposal Version 5 (5 July 2007)

(A) Background

In order to cope with the changing market condition and to address the diversified market views, the Hong Kong Institute of Surveyors (“HKIS”) has formed a Working Group to review the existing “Code of Measuring Practice”. A revised “Code” will be published to supersede the existing “Code”.

HKIS intends to replace the sections covering the “Saleable Area” and “Ancillary Accommodation” with the following:-

(B) Core Area (主體面積)

“Core Area” of a unit comprises the floor area exclusively allocated to that unit but excluding common areas such as staircases, lift shafts, lobbies and communal toilets. It shall be the area contained within the enclosing walls of the unit measured up to the exterior face of an external wall or the center line of a separating wall between adjoining units, as the case may be. Enclosing walls separating a unit from a lightwell, a lift shaft or any similar vertical shaft, or a common area, shall be deemed an external wall and its full thickness shall be included. All internal partitions and columns within the unit shall be included.

Core Area of a unit should be roofed, of full head-room and should be capable for full normal occupation.



(C) Ancillary Area (附屬面積)

“Ancillary Area” of a unit comprises the floor area exclusively allocated to that unit not qualified as “Core Area”.

Ancillary Area comprises the following components and their respective measurement criteria are mentioned below:

<u>Components</u>	<u>Measurement Criteria (if any)</u>
(1) Cockloft (of clear headroom less than 2.0m)	To be measured from the interior of the enclosing walls of such cockloft.
(2) Bay Window	To be measured from the exterior of the enclosing walls or glass windows of such bay window and from the point where the bay window meets the wall dropping to the floor level of a unit but excluding the thickness of such wall.
(3) Yard/Terrace/Garden/Flat Roof/Roof/Unroofed Balcony	To be measured from the interior of their boundary lines, and where the boundary consists of a wall, then it shall be measured from the interior of such wall.
(4) Garage	To be measured from the interior of its enclosing walls.
(5) Carparking Space	Carparking Spaces are not included for area calculation. They shall be counted by number of spaces.
(6) Plant Room, Meter Room	To be measured from the interior of its enclosing walls.
(7) Others	To be further advised by HKIS.



(D) Notes

1. Pipe Duct, A/C Platform, mouldings, flower boxes and architectural fins are not Core Area or Ancillary Area.
2. Voids in duplex flats and houses are not counted as Core Area or Ancillary Area.
3. Area occupied by internal staircases connecting different levels of areas which are qualified to be counted as Core Areas (or Ancillary Area, as the case to be) shall counted as Core Area (or Ancillary Area), irrespective of its headroom.
4. Enclosing walls includes external walls, party walls, boundary walls (in the form of fences, parapet and etc.) and (in the absence of physical walls) boundary lines.
5. Members shall separately state the measurement results of Core Area and Ancillary Area. For Ancillary Area, members shall separately state the respective Ancillary Areas of the components as classified above.
6. Full headroom is defined as having clear headroom of not less than 2 meters.
7. Full normal occupation is defined as the use of the premises for its primary function (e.g. habitation, office use, factory, shop, etc.).

Prepared by The Hong Kong Institute of Surveyors
10 July 2007

在住宅物業的銷售說明披露實用面積資料

相關文件一覽表

立法會／委員會	會議日期	文件
房屋事務委員會	2006年12月4日	立法會 CB(1)394/06-07(05)號文件 (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg1204cb1-394-5-c.pdf) 立法會 CB(1)394/06-07(09)號文件(只備中文本) (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg1204cb1-394-9-ec.pdf) 立法會 CB(1)422/06-07(01)號文件 (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg1204cb1-422-1-c.pdf) 立法會 CB(1)394/06-07(06)號文件 (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg1204cb1-394-6-c.pdf) 立法會 CB(1)436/06-07(01)號文件 (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg1204cb1-436-1-c.pdf) 立法會 CB(1)712/06-07(01)號文件 (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg1204cb1-712-1-c.pdf) 會議紀要 (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/minutes/hg061204.pdf) 立法會 CB(1)617/07-08(01)號文件 (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg1204cb1-617-1-c.pdf)

立法會／委員會	會議日期	文件
房屋事務委員會	2007年4月2日	立法會 CB(1)1221/06-07(03)號文件 http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg0402cb1-1221-3-c.pdf 立法會 CB(1)1265/06-07(01)號文件(只備中文本) http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg0402cb1-1265-1-c.pdf 立法會 CB(1)1265/06-07(02)號文件(只備中文本) http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg0402cb1-1265-2-c.pdf 立法會 CB(1)899/06-07(01)號文件(只備中文本) http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg0205cb1-899-1-c.pdf 立法會 CB(1)1301/06-07(01)號文件 http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg0402cb1-1301-1-ec.pdf 立法會 CB(1)1303/06-07(01)號文件(只備中文本) http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg0402cb1-1303-1-c.pdf 立法會 CB(1)1303/06-07(02)號文件 http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg0402cb1-1303-2-c.pdf 立法會 CB(1)1433/06-07(01)號文件(只備英文本) http://www.legco.gov.hk/yr06-07/english/panels/hg/papers/hg0402cb1-1433-1-e.pdf 立法會 CB(1)1466/06-07(01)號文件 http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg0402cb1-1466-1-c.pdf 會議紀要 http://www.legco.gov.hk/yr06-07/chinese/panels/hg/minutes/hg070402.pdf

立法會／委員會	會議日期	文件
立法會會議	2007年7月4日	立法會質詢 (http://www.info.gov.hk/gia/general/200707/04/P200707040131)
立法會會議	2007年7月11日	立法會質詢 (http://www.info.gov.hk/gia/general/200707/11/P200707110122)
房屋事務委員會	2007年7月17日	立法會 CB(1)2084/06-07(01)號文件(只備英文本) (http://www.legco.gov.hk/yr06-07/english/panels/hg/papers/hg0717cb1-2084-1-e.pdf) 立法會 CB(1)2084/06-07(02)號文件 (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg0717cb1-2084-2-c.pdf) 立法會 CB(1)2084/06-07(03)號文件(只備中文本) (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg0717cb1-2084-3-c.pdf) 立法會 CB(1)2135/06-07(01)號文件 (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/papers/hg0717cb1-2135-1-c.pdf) 立法會 CB(1)2158/06-07(01)號文件(只備英文本) (http://www.legco.gov.hk/yr06-07/english/panels/hg/papers/hg0717cb1-2158-1-e.pdf) 會議紀要 (http://www.legco.gov.hk/yr06-07/chinese/panels/hg/minutes/hg070717.pdf)

立法會秘書處
議會事務部1
2008年2月29日