

## 一般銷售說明及條款 GENERAL SALES TERMS AND CONDITIONS

以下協議適用於仕宏拍賣有限公司（L&H Auction Co., Ltd., 簡稱“仕宏拍賣”）舉行的所有拍賣會。

仕宏拍賣、拍品寄售人及買家均受此協議約束。

The following agreement applies to all auctions held by L&H Auction Co., Ltd. ( herein refer to as “L&H Auction” ). The consigners, buyers and L&H Auction are legally bounded by the terms and clauses outlined in this agreement.

### 1. 買家佣金及付款

#### BUYER'S COMMISSION AND PAYMENT

買家除支付落槌價外，並同意支付予仕宏拍賣買家佣金及任何適用之稅項及款項。

In addition to the hammer price, the buyer agrees to pay L&H Auction a buyer's premium and any applicable taxes and payments.

#### i) 買家佣金

當落槌價（單件）為港幣 100 萬元以下，買家佣金為落槌價的 18%；當落槌價（單件）為港幣 100 萬至 300 萬元，買家佣金為落槌價的 16%；當落槌價（單件）為港幣 300 萬元以上，買家佣金為落槌價的 14%。

#### ii) Buyer's Premium

When the hammer price (individual lot) is less than HKD 1 million, the buyer's premium is calculated at 18% of the hammer price; for hammer price (individual lot) between HKD 1 million to 3 million, the buyer's premium is 16% of the hammer price; for hammer price (individual lot) over than HKD 3 million, the buyer's premium is 14% of the price of the hammer price.

#### ii) 佣金優惠

買家於拍賣會當天起於 7 個工作天內以現金、支票、銀行轉帳或銀行電匯全數繳付拍賣所有款項，均可減免 2% 買家佣金以作優惠。

#### ii) Commission Discount

2% of the buyer's premium can be deducted if any outstanding payment(s) is settled within 7 days after the auction in the form of cash, a cheque, bank transfer or bank wire transfer.

#### iii) 付款方式

買家須於拍賣會後的 15 天內全數繳付拍賣所有款項。仕宏拍賣接受以現金、支票、信用卡 (VISA, MASTER, 銀聯卡)、銀行轉帳及銀行電匯結帳。若買家於拍賣會當天起 7 個工作天後才以信用卡付款，則須額外支付落槌價的 2% 作手續費。

#### iii) Payment Methods

Buyers are required to settle all payment(s) within 15 days of post-auction. L&H Auction accepts cash, check, credit card (VISA, MASTER, CUP), bank transfer and bank wire transfer. If the buyer pays by credit card after 7 working days from the date of the auction, an additional 2% of the hammer price will be charged.

#### iv) 網上競投

經“藝狐在線”及“易拍全球”競投，需額外支付落槌價的 3% 手續費。

#### iv) Online bidding

For bidders who participated in auction via "ArtFoxLive" and "ePaiLive", an additional 3% of the hammer price handling fee will be charged.

### 2. 拍賣品成色及圖錄

#### THE CATALOGUE AND COLORS OF AUCTION LOT

所有拍品均以其現況出售。不可退貨，所有銷售均為一錘定音。拍賣品圖錄中的文字介紹、估價、圖片及以其他形式的影像製品和宣傳品僅供參考，並不代表仕宏拍賣就拍賣品之真實性、價值、色調、品質及瑕疵（如有）等作擔保。仕宏拍賣可於拍賣前對上述之介紹及評價作出修訂，並無需對其中的不準確或遺漏之處負上任何責任。仕宏拍賣建議買家在拍賣前親自前來鑑定拍品，自行判斷，以瞭解拍品狀況。

如拍賣品在圖錄及其他形式的圖示、影像製品和宣傳品中，因印刷或攝影技術等原因導致與實物的色調、顏色、層次、形態等存在誤差，則以實物為準。競投者在任何情況下就以上成色評級說明所作的投標決定，仕宏拍賣將不會負任何責任。

All lots are sold in their current condition and cannot be refunded. Any introduction, valuation, photos and other forms of video productions and promotional materials in the auction catalogue are intended for reference only and do not represent L&H Auction's authenticity, value, color, quality and defects (if any). L&H Auction may make alterations to the above descriptions and evaluations prior to the auction and is not responsible for any inaccuracies or omissions. L&H Auction advises buyers to personally inspect and identify the lot(s) prior to the auction and make their own judgment.

In the event that an auction lot appears differently in the color, shape of the object in the auction catalogue and other forms of illustrations, video products and publicity materials, the condition of the actual lot in its physical form shall be used. L&H Auction will not be liable for any bidding decision made by the bidder in any case.

### 3. 估價

#### VALUATION

本圖錄中所有價格均以港幣（“\$”）顯示。估價並非指該拍品自身應有的市場價值或最終價格。拍品估價只供參考，在拍賣會開始前，仕宏拍賣可對估價進行調整。

All prices in this catalogue are displayed in Hong Kong dollars (“\$”). Our valuation does not refer to the market value or final price of the said lot. Lot valuation is intended as a form of reference only and L&H Auction reserves the right to adjust the valuation before prior to the auction.

### 4. 預展

#### PREVIEW

仕宏拍賣會將所有拍品於拍賣前進行公眾預展，仕宏拍賣建議買家在預展當日親自前來鑑定拍品及瞭解其狀況；買家需對競投拍品的行為負責，不應依賴圖錄中的說明以及其他形式的影像製品和宣傳品之陳述作出決定。一但做出競投決定即表明買家接受拍品之一切現狀，在拍品成交後不可解約，事後關於成交品投訴亦不予受理。

L&H Auction will mount a public preview of its auction lots prior to an auction. L&H Auction advises the buyer to personally

inspect the condition of a lot on the day of the preview; the buyer is responsible for any submitted bid(s) and should not solely rely on the instructions illustrated on the catalogue and other forms of promotional materials. Once a bid is placed, it cannot be rescinded and must comply with any associated contractual obligations.

### 5. 撤回拍品

#### THE WITHDRAWAL OF AN AUCTION LOT

仕宏拍賣有權於拍賣前撤回任何拍品。

L&H Auction reserves the right to withdraw any auction lot prior to the auction.

### 6. 競投、拒絕和保留價

#### BIDDING, REFUSAL AND RESERVE PRICE

競投人競投成功後，即成為該拍品的買家。仕宏拍賣及拍賣官可以拒絕任何視為出價過低的公開競投並撤回拍品。成交價並不包括買家佣金及其他附加費用，付款詳情可細閱本條款中第 12 條。每件拍品都設有一個保留價。在競投過程中，拍賣官可以拒絕任何低於保留價的競投。

Upon a successful bid, the bidder becomes the buyer of the lot. L&H Auction and the auctioneer can reject any bid deemed too low and withdraw the lot. The sold price does not include the buyer's premium and other surcharges. Payment details can be found in clause 12 in this document.

Each lot has a reserve price. In the bidding process, the auctioneer can reject any bid below the reserve price.

### 7. 透過傳真、電話或電郵的委託競投

#### BIDDING BY FAX, PHONE OR EMAIL

競投者可委託仕宏拍賣進行競投。競投者必須在拍賣會開始前 48 小時透過電郵、傳真或親身遞交投標委託書及相關文件。圖錄、申請表及競投委託書等所需文件可從官方網址下載：www.lhauction.com.hk/tc/buy.php。

所有競投將按照拍賣條款及競投者出價，盡可能以最低價格執行。請注意，為買家的利益起見，敬請所有競投者盡早交回委託表格。如有兩位或以上的競投者就同一件拍品開出相同價格，仕宏拍賣將以先到先得的原則處理。電話競投者會於拍賣會開始前，收到仕宏拍賣的致電，但本公司不能保證所有電話均可以成功接通，電話競投者須承擔風險。

如未能及時提供所需資料，或在競投過程中出現因競投者疏忽而引致的任何過失，仕宏拍賣將不會為此承擔任何責任。

Bidders can entrust L&H Auction to place a bid. Bidders must submit their bidding documents and related documents by email, fax or in person 48 hours prior to the start of the auction. Documents required for catalogues, application forms and bidding letters can be downloaded from the official website: www.lhauction.com.hk/tc/buy.php.

All bids will be executed at the lowest possible price in accordance with the auction terms and bidders' bids. Please note that for the benefit of the buyer, all bidders are requested

to return the bid application form as early as possible. If two or more bidders offer the same price for an identical lot, L&H Auction will processed it on a first come, first served basis. Telephone bidders will receive a call from L&H Auction before the auction begins, but the company cannot guarantee that all calls will be successfully connected.

L&H Auction will not be liable for any failure to provide the required information in a timely manner or any negligence caused by the bidder's negligence during the bidding process.

### 8. 網上競投

#### ONLINE BIDDING

有關網上競投登記及其他相關事宜，可參閱 www.lhauction.com.hk/tc/buy.php 或瀏覽“易拍全球”及“藝狐在線”。網上競投者必須於拍賣會開始前透過網站進行登記及通過仕宏拍賣的審批，方可進行網上競投。買家須支付落槌價，買家佣金及手續費，詳情請細閱本條款中第 1(iv) 條。

For online bidding registration and other related matters, please visit www.lhauction.com.hk/tc/buy.php or refer to "ArtFoxLive" and "ePaiLive". Online bidders must register online and be approved by L&H Auction before the commencement of an auction. Buyers are required to pay the hammer price, buyer's premium and any handling fees. For details, please read Clause 1(iv) of this article.

### 9. 拍賣成功

#### SUCCESSFUL BID

最高競投價經拍賣官落槌，或以其他公開表示買定的方式，即表明該競投人競投成功，成為該拍品的買家，亦表明買賣雙方之間已訂立拍賣合約。

The hammer price signifies the highest bidding price administered via the auctioneer, which implies that the bidder has successfully bid for an auction lot, thereby indicating that the buyer and the seller have entered into an auction contractual agreement.

### 10. 擁有權和風險

#### OWNERSHIP AND RISK

買家須全額繳付落槌價及買家佣金，並經由仕宏拍賣確定款項被接納後，買家可獲得該拍賣品的擁有權。同時，有關該拍品的風險亦會轉移至買家。

Buyers are required to settle the hammer price and the buyer's premium in full. Upon confirmation from L&H Auction that a payment has been accepted, the buyer acquires the ownership of the auction lot. At the same time, the risk of the subject lot will also be transferred to the buyer.

### 11. 付款及賠償條款

#### PAYMENT AND INDEMNITY CLAUSE

所有款項須於拍賣會後的 15 天內全數繳付，可採用以下任何一種付款方式，以港幣支付拍品的成交價及買家佣金。

All payments must be made in full within 15 days after the auction. The buyer can use any of the following payment

methods to settle the payment and the buyer's premium in Hong Kong dollars.

- i) 現金
- ii) 支票
- iii) 信用卡

接受的信用卡包括 VISA、MASTERCARD 或銀聯卡。若買家於拍賣會當天起 7 個工作天後才以信用卡付款，則須額外支付 2% 手續費。買家宜於購買拍品前知會有關信用卡公司，以減少付款時因授權問題而引起的延誤。

- iv) 銀行電匯
- v) 銀行轉帳

銀行名稱：香港上海滙豐銀行有限公司

銀行地址：香港中環皇后大道中 1 號

匯款代碼：HSBCHKHHHKH

收款人：仕宏拍賣有限公司

銀行編號：004

銀行戶口號碼：053-422283-838

- i) Cash
- ii) Cheque
- iii) Credit card

Accepted credit cards include VISA, MASTERCARD or CUP. If the buyer pays by credit card after 7 working days from the auction day, an additional 2% processing fee will be charged. Buyers should inform the credit card company before purchasing the lot to reduce delays caused by authorization issues during payment.

iv) Bank wire transfer

v) Bank transfer

Bank Name：Hongkong and Shanghai Banking Corporation Limited

Bank Address：1 Queen's Road Central, Central, Hong Kong

Remittance Code：HSBCHKHHHKH

Beneficiary：L&H Auction Co., Ltd.

Bank number：004

Bank account number：053-422283-838

若以支票，銀行轉帳或銀行電匯方式付款，須待銀行過帳確認後方可提貨。

如買家未能在 30 個工作天內支付拍品相關款項，仕宏拍賣可向買家收取相關款項的 18% 作為年利息，並執行以下一項或多項不與法律抵觸的補救措施：

- A) 對買家提出訴訟，索取違約賠償，包括訴訟費和律師費，及因買家遲付或拒絕付款而造成的利益損失。
- B) 撤銷拍品的出售權或出售給其他買家，但買家仍須支付拍賣佣金。
- C) 重新拍賣該拍品或私下出售，並提出訴訟以索償以下各項差額：
  - 買家所欠的全部款項、訴訟費和律師費。
  - 支付所有費用後的再售淨收益，並將盈餘（如有）付給貨主。
- D) 保管拍品，只有當買家支付全部款項（包括買家佣金、所有直接和間接存倉費用及利息）後才把拍品交付買家。
- E) 保存該買家的所有拍品。

If a payment is settled by cheque, bank transfer or bank wire transfer, the buyer is required to wait for an official confirmation from the bank before the auction lot(s) can be delivered.

If the buyer fails to settle the payment within 30 working days, L&H Auction may charge the buyer 18% of any outstanding payment amount as annual interest and perform one or more of the following remedies that are not in conflict with the law:

- a) Proceeding against the buyer for damages, including legal and legal fees, and loss of profits due to late payment or refusal by the buyer.
- b) If the right to sell the lot or other lots sold to the buyer is cancelled, the buyer must pay for the buyer's premium.
- c) Re-auction or private sale of associated lot(s) and to file a lawsuit to claim the following:
  - All payments, legal fees and attorney fees owed by the buyer.
  - Pay the net proceeds from resale after all fees and pay the surplus (if any) to the owner.
- d) Keep the lot until the buyer pays the full amount (including buyer's premium, all direct and indirect storage fees and interests) before delivering the lot to the buyer.
- e) Retain all lots sold to the buyer at the auction.

## 12. 運輸及提貨

### TRANSPORTATION AND DELIVERY

買家支付所有款項後，可到仕宏拍賣指定地址提貨。仕宏拍賣亦可為買家安排運送服務。（仕宏拍賣不會承擔運輸過程中所引致的清關、損毀及 / 或遺失等問題及風險。）仕宏拍賣會以買家名義，為寄出的拍品購買全額保險：運輸過程中的保險費、運輸費、包裝費及進出口稅項等將由買家支付。買家須自行索取任何有關拍品進出口、瀕臨絕種生物或其他方面之許可證。未獲得及 / 或延誤取得該許可證，均不會被視為買家取消購買或延遲付款的理由。仕宏拍賣不會承擔因未能填妥或呈交所需進出口貨單、清單或其他文件所引致的責任。如買家要求仕宏拍賣代為申請出口許可證，仕宏拍賣有權就此服務另行收取費用。仕宏拍賣不能保證出口許可證將獲發放。仕宏拍賣及賣家概無就拍品是否就進出口限制及 / 或禁運作出聲明或保證。

提貨地址：香港銅鑼灣告士打道 311 號皇室堡 10 樓 1025-29 室  
辦公時間：星期一至六 早上 10:30 至晚上 7:00；  
星期日 下午 12:30 至晚上 7:00

電話：852 3907-0282

Once the buyer has settled all payment, the lot(s) can be picked up at the designated address of L&H Auction. L&H Auction can also arrange delivery services on behalf of the buyers (L&H Auction will not be responsible for any potential conflicts or risks associated with customs clearance, damage and/or loss caused by the transportation process.) L&H Auction will purchase full insurance for the lot(s) sent in the name of the buyer; insurance, transportation, packaging and import and export taxes and other related charges will be paid by the buyer. Buyers are required to obtain any license for the import, export, endangered or other aspects of the lot. Failure to obtain and/or delay obtaining the license will not be considered as a reason for the buyer to cancel the purchase or delay the payment. L&H Auction will not be liable for any failure to complete or submit the required import and export manifests, checklists or other documents. If the buyer requests L&H Auction to apply for an export license, L&H Auction reserves

the right to charge a fee for this service. L&H Auction cannot guarantee that an export license will be issued. L&H Auction and the Sellers have no representations or guarantees as to whether the lot is subject to import/export restrictions.

Pick up address：

Room 1025-29, 10th Floor, Windsor House, 311 Gloucester Road, Causeway Bay, Hong Kong

Office Hours：Monday to Saturday 10:30 am to 7:00 pm;  
Sunday 12:30 pm to 7:00 pm

Phone: 852 3907-0282

## 13. 有限責任

### LIMITED LIABILITY

- i) 在任何情況下，本公司及 / 或寄售人的責任，將不會超過該拍品的實際購買價。
- ii) 仕宏拍賣純粹代表寄售人的權益行事。仕宏拍賣會在拍賣會上以買家所出的最高價格出售該拍品，而仕宏拍賣並不會就買家提供任何競投意見。如寄售人及 / 或買家違約，仕宏拍賣概不負責。
- iii) 仕宏拍賣不會對此圖錄中的遺漏及 / 或錯誤負上任何責任。如往後他人以此圖錄的資料作其他用途，仕宏拍賣將不會承擔任何責任。此外，如需使用或更改本圖錄中內容，需以書面通知仕宏拍賣並得到許可方可使用。

- i) Under no circumstances will L&H Auction and/or the consignor's liability exceed the actual purchase price of the lot.
- ii) L&H Auction acts purely on behalf of the consignor. L&H Auction will sell the lot at auction at the highest price offered by the buyer, and L&H Auction will not offer any bidding opinions to the buyer. L&H Auction is not liable if the consignor and/or the buyer defaults.
- iii) L&H Auction will not be liable for any omissions and/or errors in the catalogue or any other use by third parties in the catalogue. In addition, permissions must be sought in order to use or change the contents of this catalogue, L&H Auction must be notified in writing.

## 14. 附帶條款

### INCLUDED TERMS

本拍賣會中的競投者，均知悉並同意以下條款：

- i) 仕宏拍賣有權在本拍賣會開始前或進行期間，以口頭或書面形式更改競投者通知書及一般銷售說明及條款。
- ii) 競投者通知書及一般銷售說明及條款內的交易及相關內容，均根據香港特別行政區的法律解釋和管轄。

The bidders in this auction are aware of and agree to the following terms:

- i) L&H Auction reserves the right to change the bidder's notice and general sales terms and conditions, either verbally or in writing, before or during the start of the auction.
- ii) The bidder's notice and the general sales instructions and terms of the transaction and related content are interpreted and governed by the laws of the Hong Kong Special Administrative Region.

## 註解 ANNOTATION

拍賣會：

於 2018 年 11 月 23 日假香港灣仔港灣道一號香港君悅酒店 M 層君寓廳 The Residence 舉行的拍賣會。

拍品：

所有寄售到仕宏拍賣並於是次拍賣會中拍賣的貨品。每件拍品可為獨立貨品，或以 2 件或以上的貨品組合而成。

保留價：

是由仕宏拍賣及寄售人為每件拍品所設定的一個不公開的最低售價。

寄售人：

於是次拍賣會中寄售拍品的物主或物主代理人，或保管物品之公司或委託人。

買家：

以拍賣官的落槌價購入拍品的任何單位、個人或公司。

拍賣官：

是次拍賣會上代表仕宏拍賣拍賣物品之專業人員。

Auction:

The auction will be held at The Residence, Mezzanine Floor, Grand Hyatt Hong Kong, 1 Harbour Road, Wanchai, Hong Kong, on November 23, 2018.

Auction Lot:

All goods consigned to L&H Auction and auctioned at the auction. Each lot can be a stand-alone item or a combination of 2 or more items.

Reserve price:

It is an undisclosed minimum price set by L&H Auction and the consignor for each lot.

Consignee:

The owner of a lot offered at the auction, or the company or client with legal rights to administer the said lot.

Buyer:

Any unit, individual, or company that purchases a lot at the auctioneer's hammer price.

Auctioneer:

The professional who represents L&H Auction in the auctioning of an item(s).