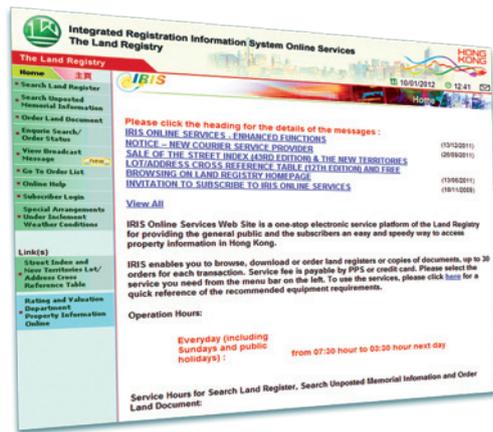




紀律研訊個案 — 沒有在緊接買賣協議訂立之前進行土地查冊 Inquiry hearing case — Failure to carry out a land search immediately before entering into an agreement for sale and purchase



土地查冊載有重要的物業資料，持牌人在處理住宅物業交易時，應在緊接買賣雙方訂立臨時買賣合約（臨約）之前，就有關物業進行土地查冊，並向買方提供土地查冊結果的文本。

一名持牌人在一宗住宅物業交易中為買賣雙方行事。買賣雙方在某天黃昏簽訂臨約，該名持牌人在簽約前就物業進行土地查冊，並向買方提供土地查冊結果的文本。

不過，該名持牌人是在簽訂臨約之前一天進行查冊，而他向買方提供查冊結果文本上的日期亦正是簽訂臨約的前一天。

監管局紀律委員會認為，該持牌人沒有在緊接該物業的買賣協議訂立之前，就該物業進行土地查冊，並向該物業的買方提供一份土地查冊結果的文本，未有遵守《地產代理常規（一般責任及香港住宅物業）規例》（《常規規例》）第13(4)條的規定。因此，紀律委員會決定對該名持牌人作出譴責，罰款港幣\$2,000，並在其牌照上附加條件，要求他在一年內取得持續專業進修計劃的12個核心科目的學分。

A land search contains important property information. In the sale and purchase of a residential property, estate agency licensees should, immediately before a Provisional Agreement for Sale and Purchase (PASP) is entered into, carry out a land search in respect of the property concerned and provide a copy of the land search to the purchaser.

In one case, a licensee was acting for both the vendor and the purchaser in a residential property transaction. Both the vendor and the purchaser signed the PASP late in the afternoon. The practitioner had conducted a land search before the signing of the PASP and supplied a copy of it to the purchaser.

However, the land search was conducted by the licensee one day before the PASP was entered into, as shown by the date on the land search.

According to the EAA Disciplinary Committee, the licensee did not carry out a land search and supply a copy of it to the purchaser immediately before the sale and purchase agreement was entered into as required by section 13(4) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation ("Practice Regulation"). The Disciplinary Committee decided that the licensee should be reprimanded and fined \$2,000. A condition was also attached to his licence, requiring him to obtain 12 CPD points in the core subjects of the CPD Scheme within one year.