

有關填寫臨時協議的新執業通告

監管局發出一份有關填寫臨時買賣協議(「臨時協議」)的新執業通告(編號13-06(CR))，載列持牌人在預備臨時協議時須注意若干的重要事項。新通告已於2013年11月15日開始生效。

香港二手物業的買賣通常透過地產代理完成。在大部份的情況下，經辦的地產代理會預備臨時協議，並協助訂約方訂立協議。一般而言，由地產代理預備的臨時協議是一份具法律約束力的合約，假如臨時協議沒有被妥善填寫，便會容易引致糾紛。為此，監管局發出新執業通告，提醒持牌人在處理臨時協議時必須盡量小心和盡一切應盡的努力。

持牌人可於監管局網頁閱覽執業通告的全文：
[規管 > 執業通告](#)

執業通告內容重點：

1. 不可安排客戶簽署在重要條款的位置仍漏空的臨時協議。
2. 就已簽署的臨時協議作出任何修訂之前，先取得客戶的同意。
3. 確保臨時協議內所載的所有資料均是真實及準確的。
4. 避免選擇週六、週日或公眾假期作為付款日期。
5. 不可安排賣方預先確認任何訂金的收訖。
6. 在臨時協議內列出買賣中包括的所有物品。
7. 如臨時協議內備有英文版本及中文版本，須清楚述明以哪個版本為準。
8. 簽署後，向客戶提供一份臨時協議的副本。

New Practice Circular on Completion of Provisional Agreement

A new Practice Circular (No. 13-06 (CR)) on the completion of the provisional agreement for sale and purchase (PASP) came into effect on 15 November 2013. The Practice Circular sets out certain important matters to which licensees must pay attention when preparing a PASP.

The sale and purchase of second-hand properties in Hong Kong are often conducted through estate agents. In most cases, the handling estate agents would prepare the PASP and assist the parties to enter into the agreement. Generally speaking, the PASP prepared by an estate agent is a legally binding contract. It may easily give rise to disputes if it is not completed properly. The EAA therefore issued the new Practice Circular to remind licensees that they must exercise due care and due diligence when completing a PASP.

Licensees may view the full Practice Circular at the EAA website: [Compliance > Practice circulars](#)

Key points of the Practice Circular:

1. Do not arrange for clients to sign a PASP with the spaces providing for the essential terms of the transaction left blank.
2. Obtain consent before making any amendment to a signed PASP.
3. Ensure that all information in a PASP is true and accurate.
4. Avoid selecting a Saturday, Sunday or public holiday as a payment date.
5. Do not arrange for a vendor to confirm receipt of any deposit in advance.
6. List in a PASP any items included in the sale and purchase.
7. State clearly which version shall prevail if a PASP is written in both English and Chinese.
8. Supply a copy of the PASP to the client after signing.