

執業問與答

PRACTICE Q&A

在《專業天地》內，我們會解答與持牌人執業息息相關的一些常見提問。
In *Horizons*, we will answer selected enquiries commonly raised by licensees concerning estate agency practice.

問：如買家關注所買單位是否「凶宅」，我查證後向他表示該單位沒有發生過任何命案，是否便已足夠？我需要查證單位所在的層數或全幢大廈有否發生過命案嗎？

Q: If a purchaser is concerned that a property he is interested in purchasing is “haunted”, may I tell him that it is not “haunted” as no murder case has been recorded in the property? Do I need to check whether there has been any murders recorded in any other units on the same floor or even in the building?

答：有關單位是否「凶宅」或曾經發生死亡事件，並非《地產代理條例》規定下地產代理必須提供的訂明物業資料。然而，根據監管局制訂的《操守守則》，持牌人在經營過程中，必須秉持誠實、忠誠和嚴正的態度向客戶提供服務。他們在履行職務時也必須盡量小心和盡一切應盡的努力。因此，當客戶作出查詢時，持牌人應採取合理及切實可行的步驟去查證及向其客戶提供相關資料。由於「凶宅」在法律上並沒有定義，而不同人對「凶宅」的定義或許會有所不同，地產代理在遇到客戶查詢有關「凶宅」的問題時，應向客戶問清楚其「凶宅」所指是什麼，才回答客戶的問題。

A: Whether a death has occurred in a property is not a piece of prescribed information required to be provided by estate agents under the Estate Agents Ordinance (“EAO”). However, according to the *Code of Ethics* issued by the EAA, licensees must serve their clients with honesty, fidelity and integrity; they should also exercise due care and due diligence when fulfilling their duties. Therefore, licensees should try their best to provide the client with the related information when asked. Since there is no legal definition on a so-called “haunted property” and different people may have different interpretations on the definition of a “haunted property”, in the case of licensees receiving enquiries from clients, they should ask the clients what they exactly mean by a “haunted property” before answering their questions.

問：代理在店外張貼某一手樓盤的海報或在店內放置該樓盤售樓說明書，以供客人參考的話，是否需要取得該樓盤發展商的授權？

Q: If an estate agent posts the poster of a first-hand residential property or displays the sales brochure of that property in his/her shop for clients’ reference, does he/she need to seek the authorisation from the developer of that property?

答：根據《地產代理常規（一般責任及香港住宅物業）規例》及監管局就一手住宅物業銷售而制訂的執業通告（編號13-04(CR)），地產代理公司在發出任何廣告或宣傳物品之前，須事先取得賣方的書面同意。一般來說，張貼一手住宅物業海報及在店內放置該樓盤售樓說明書會被視為協助推廣該發展項目。因此，地產代理公司在編制宣傳物品以協助推廣發展項目時，須採取一切合理步驟核實宣傳物品所載資料的準確性，並在發出前取得賣方就所載資料的準確性及完整性的明確書面批署。

A: According to the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation and the Practice Circular (No.13-04(CR)) issued by the EAA on the sales of first-hand residential properties, estate agency companies must obtain written consent of the vendor before they issue any advertisement or promotional material. Generally speaking, posting a poster of a first-hand residential property and displaying its sales brochure at the shop are regarded as a promotion of that development. Therefore, estate agency companies must take all reasonable steps to verify the accuracy of the information contained in such materials, and before issuance, obtain the vendor’s express endorsement in writing of the accuracy and completeness of the particulars contained therein, when preparing materials to assist vendors to promote a development.