

# 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：** 地產代理可否安排客人與持有物業的有限公司訂立股權轉讓協議？

**Q.** Can estate agents arrange for their clients to enter into an agreement for the sale and purchase of shares in a limited company which holds a property?

**答：** 持牌人在沒有法律意見之下安排客人訂立股權轉讓協議是不適當及高風險的。倘若要充分保障買賣雙方的權益，一份全面的法律文件是必須的。有別於一般的臨時買賣協議，股權轉讓協議是一份複雜的法律文件，買家可能在股份轉讓的同時，接管了該有限公司的債務和責任。

持牌人應建議客戶在簽訂這些股份轉讓協議前，先諮詢法律意見，以免因交易而遭受任何損失。

**A.** It is inappropriate and highly risky for licensees to arrange for clients to enter into an agreement involving a transfer of shares without legal advice. If the parties' interests are to be adequately protected, comprehensive legal documentation is required. Unlike the usual Provisional Agreement for Sale and Purchase, an agreement for the sale and purchase of shares is a complicated legal document. Purchasers may take over the debts and liabilities of a limited company at the same time with the transfer of the shares.

Licensees should recommend their clients to seek legal advice before entering into any agreement for transfer of shares in order to prevent them from suffering any loss resulting from the transaction.

**問：** 銀行估價時提供的單位實用面積，尤其是一些舊式住宅單位的實用面積，有機會與「物業資訊網」顯示的有所出入。持牌人應以哪個來源為準？

**Q.** The saleable area of a unit according to the valuation of banks may be different from that shown on the Property Information Online, especially for old residential units. Which source should licensees refer to?

**答：** 差餉物業估價署（「估價署」）的「物業資訊網」是一個查詢住宅物業資訊的平台。由於早期並沒有一套統一的準則去計算物業的實用面積，故不同的來源所得出來的實用面積或會有所差別。

根據《地產代理常規（一般責任及香港住宅物業）規例》，持牌人應採用從估價署或於土地註冊處註冊的首次轉讓的買賣協議所取得的實用面積，因為這兩者才是訂明來源。而且，持牌人及市民均容易從此兩項來源取得相關資料。

**A.** “Property Information Online” provided by the Rating and Valuation Department (“RVD”) is the platform for enquiry on the information of residential property. Since there was no consistent standard or criteria in calculating the saleable area of properties available in earlier decades, the saleable areas provided by other sources may differ.

According to the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, licensees should adopt the saleable area information obtained from the RVD or the agreement for sale and purchase of the first assignment of the property registered in the Land Registry, as both are the prescribed sources of information. These two sources can be easily accessed by both licensees and the public.