

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： 在發出廣告宣傳某住宅物業的銷售或租賃前，我是否必須與該賣方或業主訂立地產代理協議？

Q： Must I enter into an estate agency agreement with the vendor or landlord before issuing any advertisement for the sale or leasing of a residential property?

答： 根據《地產代理條例》及《地產代理常規(一般責任及香港住宅物業)規例》(《常規規例》)，持牌地產代理在被委託處理香港住宅物業的出售、購買或租賃時，必須與客戶訂立並妥為簽立訂明地產代理協議。

根據《常規規例》第6(1)條，為賣方或業主行事的持牌地產代理須在以下時間與其訂立訂明地產代理協議(三者中以最早者為準)：

- (a) 在接受出售或出租有關住宅物業的指示後七個工作天內；
- (b) 就該物業的出售或出租而作廣告宣傳之前；或
- (c) 就該物業簽署買賣協議或租契之前。



A： Under the Estate Agents Ordinance and the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation ("Practice Regulation"), licensed estate agents are required to enter into and properly execute a prescribed estate agency agreement with their clients when being appointed to handle the sale, purchase or leasing of residential properties in Hong Kong.

According to section 6(1) of the Practice Regulation, a licensed estate agent who acts for a vendor or landlord shall enter into a prescribed estate agency agreement with him on the happening of one of the following events (whichever is the earliest):

- (a) within seven working days after accepting an instruction to sell or lease a residential property;
- (b) prior to advertising the property for sale or lease; or
- (c) prior to the signing of an agreement for sale and purchase or a lease of the property.

