



地產代理監管局
ESTATE AGENTS AUTHORITY



委託地產 代理須知

NOTES ON APPOINTING ESTATE AGENTS

委託持牌地產代理



持牌地產代理受地產代理監管局規管，
消費者更有保障。

牌照目錄



透過監管局網頁的「牌照目錄」，
可查核相關人士是否持有有效
牌照，請瀏覽：

[www.eaa.org.hk/zh-hk/
licence-search](http://www.eaa.org.hk/zh-hk/licence-search)



訂立《地產代理協議》



為保障雙方利益，消費者在委託地產代理處理住宅物業交易時，應與地產代理訂立《地產代理協議》，列明雙方權責，例如：

- ① 協議有效期
- ② 代理的職責
(例如有關視察物業的安排)
- ③ 代理須披露其本人或其指明親屬 / 代名人與有關物業擁有之金錢或其他實益權益

訂立《地產代理協議》



4 支付佣金詳情

- ▶ 消費者可與代理商議佣金金額多少，可以一筆數額或按物業成交價的百分比作為代理的佣金。
- ▶ 消費者可選擇於簽署買賣協議時，或買賣協議指明的物業交易完成時，支付代理的佣金。

訂立《地產代理協議》



5 委託形式

- ▶ 消費者可與代理商議委託的形式是「單邊代理」或「雙邊代理」
- ▶ 若賣方／業主選擇委託獨家代理，則須注意，若在協議有效期內透過另一地產代理售出／租出物業，則仍可能須向該獨家代理支付佣金。

有關其他須在《地產代理協議》內列明的事項，可參考監管局網頁內的標準文件：

www.eaa.org.hk/zh-hk/Compliance/Prescribed-forms

重要物業資料

地產代理有責任向客戶提供有關住宅物業的重要物業資料，例如：

物業地址



業權



產權負擔



重要物業資料

樓面面積



落成年份



用途限制



政府租契年期或
租契下的出租限制



消費者應注意的其他事項



- ▶ 應向代理索取所有與其簽訂的文件副本
- ▶ 就出價/還價給予代理明確清晰的指示
- ▶ 繳付任何款項後，應立即要求代理發出收據作實

有關佣金支付



在簽署買賣協議或交易完成後，應按照地產代理協議條款向代理支付佣金；若交易告吹，而並非因客戶犯錯而令物業交易未能完成，則客戶沒有責任向代理支付任何佣金。但如買賣／租客與業主雙方並非基於有關物業的買賣協議／租契的條文而共同取消該具約束力的買賣協議／租契，則須向代理支付佣金。

APPOINT LICENSED ESTATE AGENTS



Licensed estate agents are regulated by the EAA, consumers are better protected.

LICENCE LIST



The licence list available at the EAA's website facilitates members of the public to ascertain whether the person concerned is a holder of a valid licence. Please visit:

www.eaa.org.hk/en-us/licence-search



ENTERING INTO AN ESTATE AGENCY AGREEMENT



For the interest of both parties, consumers should enter into an Estate Agency Agreement with estate agents when appointing them to handle the transaction of residential properties. The Agreement sets out the rights and responsibilities of both parties, such as:

- 1 The validity of the Agreement**
- 2 The responsibilities of the estate agent (e.g. the arrangement of property inspection)**
- 3 The agent should disclose any pecuniary or other beneficial interests of the agent or his specified relatives/nominee in relation to the property concerned**

ENTERING INTO AN ESTATE AGENCY AGREEMENT



4 Details of Commission Payment

- ▶ Consumers can negotiate with the agent on the amount of commission, either a fixed amount of money or a certain percentage of the transacted price of the property.
- ▶ Consumers can choose to pay the commission upon the signing of the agreement for sale and purchase or upon the completion of the property transaction as specified in the agreement for sale and purchase.

ENTERING INTO AN ESTATE AGENCY AGREEMENT



5 The Form of Appointment

- ▶ Consumers can negotiate with the agent on the form of appointment, whether it is a “single agency” or “dual agency”
- ▶ If the vendor/landlord chooses to appoint exclusive agency, he/she should note that if the property is sold/rented through another estate agent within the validity period of the agreement, he/she may still need to pay the commission to the exclusive agency.

For details of other matters set out in an “Estate Agency Agreement”, please refer to the prescribed forms available on the EAA’s website:

www.eaa.org.hk/en-us/Compliance/Prescribed-forms

KEY INFORMATION OF THE PROPERTY

Estate agents have the responsibility to provide the key information of the residential property to their clients, including:

Address of the Property



Ownership



Encumbrances



KEY INFORMATION OF THE PROPERTY

Floor Area



Year of Completion



User Restrictions



Term of Government
Lease or Restrictions
on the Lease



CONSUMERS SHOULD ALSO REMEMBER TO



- ▶ request copies of all documents signed with the agent
- ▶ give clear instructions to the agent regarding offers and counter-offers
- ▶ request receipts from the agent as confirmation after making any payments

ABOUT THE PAYMENT OF COMMISSION



Consumers should pay the commission according to the Estate Agency Agreement upon completion of the transaction. However, the client shall have no obligation to pay any commission to the agent if completion of the property transaction falls through without fault on the part of the client. The commission shall become payable to the agent in the case of mutual cancellation of a binding agreement for sale and purchase of the concerned property between the vendor and purchaser/landlord and tenant not arising from any provisions of the agreement for sale and purchase.



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