

新指引 New practice circular

放盤紀錄、地產代理協議及賬目

Listing records, estate agency agreements and accounts

根據《地產代理常規（一般責任及香港住宅物業）規例》（《常規規例》）第8(2)(a)、(b)及(c)條，地產代理必須備存每一份住宅物業放盤紀錄，以及所有地產代理協議的文本至少三年。根據《常規規例》第12(1)(a)、(b)及(c)條，地產代理亦必須就其客戶所支付的所有款項備存妥善的賬目。

過往，監管局人員巡查地產代理商舖時，有些持牌地產代理未能即場提供監管局所要求的文件，常見的辯解有：文件放置在其他地方，或有關文件由當時不在場的上司保管。監管局認為，有些時候這些理由未能成立。

監管局提醒地產代理從業員，倘獲監管局授權的人員於巡查時根據《常規規例》第8條及／或第12條要求其提交有關文件及賬目，地產代理從業員不得合理地拖延提供上述文件及賬目。

According to section 8(2)(a), (b) and (c) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation (Practice Regulation), a licensed estate agent must keep a record of all listings of residential properties and copies of estate agency agreements in relation to residential properties for not less than three years. Under section 12(1)(a), (b) and (c) of the Practice Regulation, a licensed estate agent must keep proper accounts as to moneys received or held, or paid by the agent, for or on account of clients.

In the past, certain licensed estate agents were unable to produce such documents on the spot during inspection visits by officers of the Authority. The usual excuses are: the documents are being kept at another location; or they are being held by the boss, who is not available at that time. The Authority's view is that these excuses may not be acceptable.

Estate agency practitioners are reminded that henceforth when they are requested to produce documents and accounts during an inspection under section 8 and/or section 12 of the Practice Regulation by authorised officers of the Authority, they should produce them without unreasonable delay.