

有關物業資料及土地查冊的執業通告

New practice circular on property information and land search

向 客戶提供準確及最新的物業資料是地產代理的重要責任。因此，監管局更新有關執業通告，提醒地產代理獲賣方（或業主）委託並訂立地產代理協議，必須從訂明來源取得物業資料，並且將取得的資料填於物業資料表格內。地產代理不但要向賣方（或業主）提供該已填妥的表格的正本或副本，也須向買方（或租客）提供該已填妥的表格的正本或副本，除非對方明確表示放棄其收取該表格的權利。

此外，代表住宅物業的賣方（或業主）行事的的地產代理在緊接買賣協議（或租約）訂立之前，必須就物業進行土地查冊，並向買方（或租客）提供該土地查冊結果的文本。

新的通告也提供更詳細的資料，包括：

- 即使臨時買賣協議（或臨時租約）於深夜訂立，地產代理也不能於翌日才進行土地查冊和向客戶提供土地查冊結果文本。
- 不論買方（或租客）本身是否另有地產代理代其於交易中行事，代表賣方（或業主）的地產代理同樣需要就物業進行土地查冊。
- 即使租客只租住住宅單位內的房間，地產代理也需提供該住宅單位的土地查冊結果的文本。
- 只代表買方（或租客）行事的的地產代理亦應於緊接買賣協議（或租約）訂立之前進行土地查冊，也需要向客戶講解查冊的內容。

該份執業通告已上載於監管局網頁：
www.eaa.org.hk/practice/documents/11-01_CRC.pdf

The provision of accurate and up-to-date property information to clients is an important duty of estate agents. The EAA has recently updated its practice circular on the subject to remind practitioners that when they act for the vendor (or landlord) and have entered into an estate agency agreement with him, they are required to obtain certain property information from the prescribed sources and complete the property information form with such information. In addition to providing to the vendor (or landlord) the original or copy of the completed form, they must supply the original or copy of the completed form to the purchaser (or tenant), unless the purchaser (or tenant) specifically waives his right to receive the form.

Moreover, estate agents who act for the vendor (or landlord) of a residential property have to carry out a land search in respect of the property immediately before an agreement for sale and purchase (or a tenancy agreement) of the property is entered into and provide a copy of the land search to the purchaser (or tenant).

The new practice circular provides more detailed information on the subject including the following:

- It is not permissible to defer carrying out a land search and supplying a copy of it to the purchaser (or tenant) on the following day in cases when the provisional agreement for sale and purchase (or provisional tenancy agreement) is entered into late at night.
- The duty of the licensee acting for the vendor (or landlord) to carry out a land search applies in all cases, irrespective of whether or not the purchaser (or tenant) has his own estate agent acting for him in the transaction.
- The duty of the licensee acting for the landlord to carry out a land search and supply a copy of it to the tenant also applies to cases of leasing a room in a residential flat.
- A licensee who acts only for the purchaser (or tenant) should also conduct a land search and explain it to his client immediately before an agreement for sale and purchase (or tenancy agreement) is entered into.

Details of the practice circular can be found at
www.eaa.org.hk/practice/documents/11-01_CRE.pdf

