

地產代理必須查冊

Agents must conduct land searches

監管局提醒地產代理從業員，在簽訂物業臨時買賣合約前進行土地查冊，是從業員必須履行的首要責任。

從業員必須保障及促進客戶的利益。法例規定，他們有責任進行土地查冊，以確定物業的擁有權以及物業有否產權負擔等；並須要將土地查冊的文本交予客戶參考。沒有進行土地查冊或將有關文本交予客戶可能帶來嚴重的後果，或導致客戶蒙受金錢損失。

監管局接獲的投訴中，不少涉及從業員沒有進行土地查冊或沒有將查冊文本交予客戶。2007年，監管局紀律委員會召開紀律研訊的210宗個案中，有49宗涉及此類違規事項，涉案的從業員因而遭受不同的紀律處分，包括罰款和訓誡等。

監管局非常關注這類違規個案。《地產代理條例》清楚列明，為物業進行土地查冊是地產代理最基本兼且必要的責任。法例已實施多年，從業員應該嚴格遵守有關規定。

監管局職員在巡查地產代理商舖或進行調查工作時，不時也會要求從業員出示他們所處理的物業的土地查冊文本。從業員應交出有關文件，不得無理拖延。

另外，監管局亦呼籲消費者在委託地產代理從業員處理物業時，與從業員簽訂地產代理協議。地產代理協議列明委託的形式（單邊/雙邊代理、獨家/非獨家代理）、佣金數額、協議的有效期等細則，是具有法律約束力

The EAA reminds estate agency practitioners that conducting a land search for a property immediately before an agreement for sale and purchase is one of their most important duties.

Practitioners should protect and promote the interests of their clients. They have a statutory duty to carry out a land search to ascertain the ownership of, and encumbrances against, a property, and to provide a copy of the land search to their clients. Failing to do so could have serious ramifications and might lead to their clients' suffering financial loss.

Failing to conduct land searches or provide a copy to the purchaser client is a common type of complaint received by the EAA. In 2007, 49 of the 210 cases heard by the EAA Disciplinary Committee involved such breaches, resulting in disciplinary sanctions ranging from fines to admonishments being imposed on the practitioners.

The EAA takes a very serious view of this type of non-compliance. Conducting a land search is a very basic and vital duty of an estate agent, as stipulated in the Estate Agents Ordinance. The law has been in force for many years, and practitioners should strictly adhere to it.

EAA staff, when carrying out inspection and investigation work, often request practitioners to produce a copy of the land searches for the properties they have handled. Practitioners are expected to produce the documents without unreasonable delay.

Separately, the EAA encourages consumers to sign estate agency agreements with estate agents upon appointing them to handle properties. An estate agency agreement is a legally binding document that specifies terms such as the mode of appointment (single/dual agency, exclusive/non-exclusive agency),

的文件。由於雙方的權利和責任均清楚列明，雙方的利益自然受到更大的保障。

今年3至4月期間，監管局安排在100輛公共巴士的座椅背上張貼廣告，呼籲消費者簽訂地產代理協議。

the amount of commission and the validity period of the agreement. By signing the agreement, which clearly states the rights and responsibilities of both parties, the interests of both parties can be better protected.

In March and April, the EAA posted an advertisement on the seat backs of 100 buses, encouraging consumers to sign estate agency agreements.



監管局製作表格供從業員舉報可疑交易 New form for reporting suspicious transactions

由於物業交易往往涉及龐大的金額，不法之徒可能利用物業交易清洗黑錢。監管局呼籲從業員配合特區政府打擊清洗黑錢的措施，舉報可疑的物業交易。

為方便從業員舉報可疑交易，監管局已製作了專用的舉報表格，指示從業員怎樣向警方提供有關的可疑交易資料。倘若從業員發現可疑的物業交易活動，只須填妥表格，按指示傳真或郵寄至聯合財富情報組即可。

從業員快將可以從監管局網頁下載此表格使用。

Since property transactions often involve large sums of money, criminals may use them to launder money obtained illegally. The EAA urges practitioners to support the anti-money-laundering initiatives taken by the Government, and report suspicious property transactions to the authorities.

In order to facilitate practitioners' reporting of suspicious transactions, the EAA has prepared a report form which informs practitioners about how to provide details of suspicious transactions to the Police. Practitioners who come across suspicious property transactions are encouraged to simply complete the form and fax or mail it to the Joint Financial Intelligence Unit.

The form will be available on the EAA website soon for practitioners to download.

