

the practitioner did not conduct a land search and provide a copy of the land search to the purchaser immediately before the PASP was entered into, and therefore failed to observe section 13(4) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation.

The EAA Disciplinary Committee conducted an inquiry hearing into the case, and suspended the practitioner's licence for seven days and attached a condition to his licence, requiring him to obtain 12 CPD points in core subjects of the CPD Scheme within one year.

監管局紀律委員會主席馬豪輝先生的意見 Comments from Chairman of the EAA Disciplinary Committee Mr Ma Ho-fai

土地查冊是物業買賣中非常重要的文件，監管局曾經發出執業通告及舉辦培訓講座，提醒從業員為物業進行土地查冊的重要性。不過，從業員未有遵守有關查冊的規定，仍然是常見的違規事項。監管局希望通過本期《專業天地》的紀律研訊案例，再次提醒從業員必須遵守有關規定。

土地查冊中所載有資料，例如擁有權、有效的產權負擔等，對於買家十分重要。為了保障和促進客戶的利益，並根據《地產代理常規（一般責任及香港住宅物業）規例》，地產代理從業員須於緊接買賣方雙方訂立臨約之前，就有關物業進行土地查冊，並向買方提供查冊結果的文本。

在這一宗紀律研訊個案中，從業員沒有為物業進行查冊和向客戶提供查冊文本，令客戶未能掌握有關物業的基本資料。此外，雖然土地登記冊內登載死亡登記紀錄，但由於從業員並沒有進行查冊，令客戶也因而無法知悉這項重要的參考資料。從業員未有保障和促進客戶的利益，因而被監管局紀律處分。



Land searches are important documents in property transactions. To reflect the importance attached to this requirement, the EAA has issued a practice circular and organised CPD seminars on the subject to remind practitioners of the significance of conducting land searches. However, failure to comply with the relevant laws on land searches is still one of the common types of non-compliance among practitioners. The EAA hopes that practitioners will be alert to the regulations after reading the inquiry hearing case in *Horizons*.

The information in the land search, such as the ownership and subsisting encumbrances on the property, is very important to the purchaser. In order to protect and promote clients' interests, and pursuant to the relevant provisions in the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, practitioners should, immediately prior to the signing of the PASP by the purchaser and the vendor, conduct a land search in respect of the property and provide a copy of the land search to the purchaser.

In this inquiry hearing case, the practitioner did not carry out a land search and supply a copy of the search to the client. As a result, the client failed to obtain basic information about the property, in particular, the death certificate registered in the land register of the property concerned, information which was critically important to the purchaser. Consequently, the EAA imposed disciplinary sanctions on the practitioner for failing to protect and promote his client's interests.