

Circular

Circular No. 08-01 (CR)

- **Estate agencies should produce documents and accounts without unreasonable delay when requested to do so by EAA officers under the Practice Regulation**

Listing records, estate agency agreements and accounts

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.

Furthermore, 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.

Estate Agents Authority officers, authorised in writing by the Authority, have the right to inspect such records and accounts at any time during ordinary office hours. A licensee must answer any question and supply information as requested in the inspection.

In the past, certain licensed estate agents were unable to produce such documents to the Authority 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. Failure to do so may amount to a breach of the Practice Regulation and may give rise to disciplinary action by the Authority.

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