



地產代理監管局
ESTATE AGENTS AUTHORITY

Dear Licensees,

Re: Exceptions to application of the Electronic Transactions Ordinance

The Estate Agents Authority (“EAA”) has recently been informed that some licensees may arrange for parties to sign provisional agreements for sale and purchase (“provisional agreements”), provisional tenancy agreements and/or tenancy agreements by electronic means.

The EAA would like to remind licensees that they must comply with the relevant statutory requirements when handling property transactions, including the requirements under the Electronic Transactions Ordinance (Cap. 553) (“ETO”), that electronic execution is not applicable to documents set out in Schedule 1 to the ETO (e.g., documents or instruments concerning land or property transactions, including but not limited to the provisional agreements, provisional tenancy agreements or tenancy agreements) (“Excluded Documents”).

Licensees should also note that if the Excluded Documents are signed by electronic means (in accordance with the requirements under the ETO or otherwise), such documents may not be accepted for stamping under the Stamp Duty Ordinance (Cap. 117) and may not be legally binding.

In view of the above and in order to protect the interests of clients, licensees must ensure that any document or instrument to be signed electronically concerning land or property transactions is not an Excluded Document.

If a licensee arranges, advises, assists or causes his/her client(s) to sign any Excluded Documents by electronic means, he/she may be liable to disciplinary action by the EAA for breach of the Code of Ethics, and may face civil claims from his/her client(s).

For the avoidance of doubt, the prescribed estate agent agreements (Forms 3 to 6) under the Estate Agents Ordinance (Cap. 511) may be executed electronically. Please refer to Practice Circular No.14-01 (CR) for details.



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Licenses are reminded to act prudently in the course of their practice to avoid causing losses to their clients and incurring consequential legal liabilities. As the electronic execution of documents involves complicated issues, licensees should consider seeking independent legal advice if they have any doubt regarding the applicability of the ETO or other related matters in a particular transaction.

Estate Agents Authority

12 June 2026