

# 執業問與答

## PRACTICE Q&A

在《專業天地》內，我們會解答與持牌人執業息息相關的一些常見提問。  
In *Horizons*, we will answer selected enquiries commonly raised by licensees concerning estate agency practice.

**問：** 我的親屬是一幢住宅物業中的其中一位業主，該幢物業的樓齡超過60年，而全體業權人同意將整幢大廈出售予一發展商。假如她及其他單位的業主委託我獨家代理該大廈的出售事宜，而我亦代表欲洽購該大廈的發展商行事，我需要向其他單位業主及該發展商申報我與她的關係嗎？

**Q：** My relative is one of the flat owners of a residential building aged over 60 years. All the owners agree to sell that building to a developer. If she and other flat owners appoint me as the exclusive agent for the sale of the whole building and I act for the developer as well, do I need to disclose my relationship with my relative to other flat owners of the building and the developer?

**答：** 根據監管局發出的《操守守則》，地產代理和營業員應避免就本身有實益利益的物業提供服務，在有可能/潛在利益衝突的情況下，則必須向各方詳盡披露因該物業而獲得的金錢或其他實益利益，並向客戶全面披露所有相關的事實，讓客戶有機會自行決定是否繼續進行有關的交易，或是否繼續委託該名代理。就處理住宅物業而言，如存在金錢上的或其他實益的權益的話，持牌人須在訂明的「地產代理協議」中申報詳情。

**A：** According to the *Code of Ethics* issued by the EAA, estate agents and salespersons should avoid accepting an appointment involving a property in which they have a beneficial interest. In the event of any potential conflict of interest, estate agents and salespersons should make a full disclosure to the client of all the relevant facts, so as to give the latter an opportunity to decide whether to continue with the proposed transaction or the appointment of the agent. In dealing with residential properties, licensees must disclose the details of the pecuniary or other beneficial interests they have in the property concerned in the prescribed estate agency agreement.

**問：** 在簽署住宅物業的臨時買賣協議時，我的賣方客戶只願意出示其身分證明文件作核實其身分之用，但拒絕讓我影印以備存副本，我可以怎樣做？

**Q：** Upon signing a provisional agreement for sale and purchase of a residential property, what can I do if my vendor client only agrees to show his identification document to me for verification of his identity but refuses to let me make a copy of it?

**答：** 持牌人可向客戶解釋根據《地產代理常規(一般責任及香港住宅物業)規例》第13(3)條，為避免在任何住宅物業的買賣協議中在身分方面有具欺詐成分的失實陳述，持牌人須採取所有切實可行的步驟，以確保賣方的姓名或名稱正確，如賣方屬一名個人，則該等步驟可包括向賣方收取一份身分證的副本或其他身分證明文件的副本。另外，持牌人可向客戶保證他們在收集、使用和處理個人資料時，會遵守《個人資料(私隱)條例》的六項保障資料原則，以釋除客戶的疑慮。

**A：** Licensees can explain to clients that according to Section 13(3) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, a licensee shall, for the purpose of avoiding the fraudulent misrepresentation of identity in an agreement for sale and purchase of a residential property, take all practicable steps to ensure that the name of the vendor is correct, and if the vendor is an individual, the licensee may collect a copy of the vendor's identity card or other identification document. In addition, licensees can relieve clients' concerns by assuring them that they will properly follow the "Six Data Protection Principles" under the Personal Data (Privacy) Ordinance when collecting, using and handling personal data.