

在《專業天地》內， 我們會解答持牌人的一些常見提問。

In *Horizons*, we will answer questions commonly asked by licensees.

問：在處理涉及二手住宅物業的交易時，如訂明地產代理協議內的某些類別的代理委任已因不適用於該交易而被劃掉／刪除，我是否仍須在安排我的客戶簽訂地產代理協議前，向其解釋所有類別的代理委任（包括已被劃掉／刪除的類別）？

Q: In handling a transaction involving a second-hand residential property, if some types of agency appointment in the prescribed estate agency agreement had been crossed out / deleted because they are not applicable to the transaction, am I still required to explain all types of agency appointment (including the crossed out / deleted types) to my client before arranging for him/her to sign the estate agency agreement?

答：是。

《地產代理常規(一般責任及香港住宅物業)規例》第6(3)(a)條清楚述明，持牌人在安排任何並非由律師代表的人訂立地產代理協議之前，須向該人解釋該協議中所有不同類別的代理委任以及該等委任各別的含意和對該人的效力。

持牌人在劃掉／刪除不適用於該交易的某些類別的代理委任之前，應向其客戶解釋地產代理協議中的所有不同類別的代理委任以及該等委任各別的含意和對該人的效力，並取得其客戶的同意。

A: Yes.

Section 6(3)(a) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation clearly states that, before arranging a person who is not legally represented to enter into an estate agency agreement, a licensee is required to explain the different types of agency appointment therein and their respective implications and effects on the person.

Licensees should explain all types of agency appointment in the estate agency agreement and their respective implications and effects to their client before those that are not applicable to the transaction are crossed out/deleted with their client's consent.

