

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：如果持牌人是一間地產公司的唯一董事／股東，他／她可以同時受聘於另一間地產公司進行地產代理工作嗎？

Q: If a licensee is the sole director/shareholder of an estate agency company, can he/she be employed by another estate agency company at the same time to carry out estate agency work?

答：須視乎情況而定。

A: It depends on the circumstances.

根據《地產代理條例》(「《條例》」)，牌照分為地產代理牌照及營業員牌照。持有地產代理(個人)牌照的人士可以經營地產代理工作的業務或擔任持牌地產代理的營業員，而營業員牌照持有人只能以持牌地產代理的營業員身分從事地產代理工作。

According to the Estate Agents Ordinance ("EAO"), there are two types of licences, i.e. an estate agent's licence and a salesperson's licence. The holder of an estate agent's licence (individual) may carry out estate agency work in the course of business as an estate agent, or act as a salesperson for a licensed estate agent. The holder of a salesperson's licence may only perform estate agency work as a salesperson of a licensed estate agent.

《條例》並沒有就持牌地產代理可否同時受聘於另一間地產公司進行地產代理工作作出任何訂明。至於一名地產代理可否同時為多於一間地產代理公司工作，乃視乎相關地產代理與地產代理公司所訂立之僱傭合約、聘用條款及相關地產代理公司的政策等因素而定。然而，根據《條例》第38(1)(a)條，持牌地產代理須確保轄下的每間辦事處的業務，都是由一名經理有效和獨立地控制，而該人是持有地產代理牌照的。

The EAO does not stipulate whether a licensed estate agent can be simultaneously employed by another estate agency company to carry out estate agency work. Whether an estate agent can work for more than one estate agency company depends on factors such as the employment contract entered into between the relevant estate agent and the estate agency company, the terms of employment and the policy of the respective estate agency company. However, pursuant to section 38(1)(a) of the EAO, a licensed estate agent shall ensure that his business at every one of his estate agency offices is under the effective and separate control of a manager who shall be a holder of an estate agent's licence (individual).

