



## Circular

Circular No. 14-04 (CR)

- **Comply with all the relevant statutory requirements and guidelines issued by the EAA, particularly section 36(1)(a)(i) of the EAO, sections 3(2) and 13(4) of the Practice Regulation, when using the mobile version of the IRIS Online Services to conduct land searches.**
- **Receive land searches by email and archive the land searches (with backup) so that the land searches may be easily retrieved.**
- **Request the purchaser (or tenant) to acknowledge receipt of the land search and keep proper records of such receipts.**

### Mobile Version of the Integrated Registration Information System Online Services

The Land Registry has launched a mobile version of the Integrated Registration Information System (“IRIS”) Online Services to facilitate the use of smartphones and other mobile devices to conduct land searches. This Circular sets out certain matters to which licensees should pay attention if they choose to use the mobile version of the IRIS Online Services to conduct land searches.

#### The Service

2. The new service is available to both IRIS Online Services subscribers and ad hoc users. Subscribers may use their login IDs to conduct online searches through the mobile version without the need of separate subscription. Ad hoc users may place orders through the mobile version and pay fees online by credit cards.
3. Ordering land searches through the mobile version is similar to that through the desktop version but the interface and search results of the mobile version are customised for viewing on smartphones and other mobile devices running on iOS and Android platforms.

4. Licensees should note that land searches ordered through the mobile version could only be viewed in the browser or received by email. Unlike the desktop version, the mobile version does not give users the option to receive search results by download, fax, mail or counter collection.

### **Compliance with Statutory Requirements and EAA Guidelines**

5. Licensees are reminded that, whether they are using the desktop or mobile version of the IRIS Online Services to conduct land searches, they are required to comply with all the requirements stipulated in the Estate Agents Ordinance (“EAO”), its subsidiary legislation and guidelines thereon issued by the Estate Agents Authority (“EAA”) from time to time, particularly section 36(1)(a)(i) of the EAO, sections 3(2) and 13(4) of the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation (“Practice Regulation”).

### **Possession of Property Information**

6. Under section 36(1)(a)(i) of the EAO, every licensed estate agent who acts for a vendor (or landlord) is required, for as long as he so acts, to have in his possession or control certain prescribed information as regards every property in relation to which he has entered into an estate agency agreement.
7. To comply with the above requirement, a licensed estate agent who acts for the vendor (or landlord) is required (unless he has already possessed the prescribed information and such information is still accurate) to, among other things, on the commencement date of the validity period of the estate agency agreement, carry out a land search of the property.
8. When using the mobile version of the IRIS Online Services to conduct land searches, licensees are advised to receive search

results by email and to archive the land searches (with backup) so that, where necessary, they may be easily retrieved for the purpose of proving that the requirement of section 36(1)(a)(i) regarding possession or control of the relevant prescribed information has been complied with.

### **Property Information Form**

9. Under section 3(2) of the Practice Regulation, licensees are required to complete the Property Information Form (Form 1) (“Form 1”) in the case of a sale and purchase, in accordance with the directions and instructions specified in the form; accompany the form with such documents and provide the completed Form 1 to such person(s) in the manner specified in the form.
10. When using the mobile version of the IRIS Online Services to conduct land searches, licensees are advised to receive search results by email and to archive the land searches (with backup) in order to comply with the above requirements, i.e.
  - (a) attaching to the Form 1 a copy of the land search in respect of the property; and
  - (b) providing to the vendor and/or the purchaser (as the case may be) the original or a copy of the completed Form 1, with a copy of the land search of the property attached in the manner specified in the form.

### **Section 13(4) of the Practice Regulation**

11. Under section 13(4) of the Practice Regulation, a licensee who acts for the vendor (or landlord) of a residential property is required to, **immediately before** an agreement for sale and purchase (or a tenancy agreement) of the property is entered into, carry out a land search and supply a copy of the land search to the purchaser (or tenant).

12. To comply with the above requirements, licensees using the mobile version of the IRIS Online Services to carry out a land search are advised to receive search results by email; archive the land searches (with backup); and supply a copy of the land search to the purchaser (or tenant) by forwarding the email with the land search<sup>1</sup> **immediately before** the agreement for sale and purchase (or tenancy agreement) is entered into. To avoid future disputes as to whether the land search has actually been supplied to the purchaser (or tenant), licensees are advised to request the purchaser (or tenant) to acknowledge receipt of the land search and keep proper records of such receipts.

Licensees are advised to refer to the Land Registry's website at [www.landreg.gov.hk/en/new/mobile-version.pdf](http://www.landreg.gov.hk/en/new/mobile-version.pdf) for more information on the mobile version of IRIS Online Services.

Licensees who fail to comply with the relevant provisions concerning property information, completion of the Property Information Form and land search may breach the EAO and/or the Practice Regulation and/or the Code of Ethics, and may be subject to disciplinary action.

October 2014

Holders of Statements of Particulars of Business  
 should bring this Circular to the attention of all staff  
 engaged in estate agency work

<sup>1</sup> For the avoidance of doubt, the practice of forwarding the email with the land search is without prejudice to the conventional practice of supplying a hard copy of the land search to the purchaser (or tenant).