

《操守守則》及  
《地產代理條例》簡介

**Code of Ethics and  
Guide to the Estate Agents Ordinance**

## 目錄

C o n t e n t s

《操守守則》	3
《地產代理條例》簡介	6
Code of Ethics	24
Guide to the Estate Agents Ordinance	27

# 操守守則

## 前言

1. 下列的《操守守則》乃地產代理監管局（監管局）為地產代理從業員在執業上提供指引及指導而制訂。這份《操守守則》與監管局於2002年1月1日發出的《操守守則》的內容一樣。
2. 持牌人如沒有遵照及遵從《操守守則》，可能會被視為並非《地產代理條例》下持牌人的適當人選，繼而影響他們持有或繼續持有牌照的資格。持牌人並可能因此受到紀律處分。

## 操守守則

### 3.1 符合法律的規定

- 3.1.1 地產代理和營業員在執業時必須避免從事可能觸犯法律的活動。

### 3.2 充分了解有關的法例及規定

- 3.2.1 地產代理和營業員應熟悉並必須在執業時遵守《地產代理條例》、其附屬法例、本操守守則，以及由監管局不時發布的所有其他指引。
- 3.2.2 地產代理和營業員應掌握有關的一切法律、政府規例，及地產市場的重要事實和發展，以便能盡責地向客戶提供意見。他們應盡量憑本身在地產方面的知識、訓練、資歷和經驗向客戶提供服務和意見。

### 3.3 應具備的專業知識及能力

- 3.3.1 地產代理和營業員在經營過程中，必須秉持誠實、忠誠和嚴正的態度向客戶提供服務。他們應保障客戶在地產交易中不因欺詐、失實陳述或不合專業操守的行為而受損。

### 3.4 執業時應秉持的操守及道德標準及對客戶的責任

- 3.4.1 作為代理或受委託為代理的地產代理和營業員，應保障和促進客戶的利益、按照地產代理協議執行客戶的指示，並對交易各方公平公正。

### 3.5 應盡一切應盡的努力

- 3.5.1 地產代理和營業員在履行職務時必須盡量小心和盡一切應盡的努力。

### 3.6 盡量避免陷入任何利益衝突之中

- 3.6.1 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。
- 3.6.2 在有可能／潛在利益衝突的情況下（例如同時代表賣家和買家），地產代理和營業員必須向客戶表明他們同時代表雙方，以及向各方詳盡披露因該物業而獲得的金錢或其他實益利益。

### 3.7 代理之間的關係及執業時必須遵守的操守標準

- 3.7.1 地產代理和營業員不得求取不公平的利益令其他代理受損，也不得直接或間接損害其他代理的名聲或公開貶低其他代理的作業方式。
- 3.7.2 地產代理和營業員應避免做出可能令地產代理行業信譽及／或名聲受損的行為。



- 3.7.3 地產代理和營業員應緊守公平競爭的原則，並須避免從事違反公平競爭原則的作業方式。

**地產代理監管局**

**2007年2月1日**

# 《地產代理條例》簡介

## 前言

- 1.1 本簡介列出《地產代理條例》（簡稱《條例》）、《地產代理常規（一般責任及香港住宅物業）規例》（簡稱《常規規例》）及《地產代理發牌規例》（簡稱《發牌規例》）的其中一些主要條文，目的是令從業員能夠容易理解此等條文。為方便查閱，本簡介附上與該等條文相關的《條例》、《常規規例》或《發牌規例》的有關條次。若要了解確實的法律條文，從業員應查閱《條例》、《常規規例》及《發牌規例》，而一切亦以《條例》、《常規規例》及《發牌規例》的全文為準。
- 1.2 本簡介的用詞與《條例》、《常規規例》及《發牌規例》中的意義相同。
- 1.3 本簡介取代地產代理監管局（監管局）於2002年1月1日發出的《執業指引》。

## 甲部 一般應用範圍

### 第2.1至2.21段適用於所有持牌人

- 2.1 任何從事地產代理工作或經營地產代理業務的持牌人，應持有監管局批給的有效牌照。  

《條例》第 15、16 條
- 2.2 持牌人應遵守其牌照上所有條件。  

《條例》第 27 (2)(f) 條

- 2.3 持牌人不應在進行任何地產代理工作時使用與其牌照不符的姓名或名稱。

《條例》第 55 (2)(a)條

- 2.4 持牌人在申請牌照續期時；在接受監管局調查中；在紀律研訊進行時；或在上訴或佣金爭議裁定過程中，不應作出任何虛假或具誤導性的陳述。

《條例》第 55 (1)條

- 2.5 持牌人的登記地址若有改變，應在十四天內通知監管局。

《條例》第 14 (3)(a)條

- 2.6 持牌人的牌照如有遺失、被盜、受損或毀壞，應盡快向監管局申請補發。

《發牌規例》第 11 條

- 2.7 持牌人被監管局暫時吊銷或撤銷牌照，應從暫時吊銷或撤銷生效日起停止從事任何地產代理工作。

《條例》第 15、16 條

- 2.8 持牌人的續牌申請如被監管局拒絕，或牌照被監管局撤銷，自拒絕或撤銷日起十二個月內不可再提出申請。

《條例》第 25 條；《發牌規例》第 15 條

- 2.9 持牌人應在牌照期滿前不多於三個月及不少於一個月內申請續期，除非監管局事先書面同意給予一個較短的期限，在此情況下續牌申請應在此較短期限內提出。

《條例》第 23 條；《發牌規例》第 13 條

- 2.10 監管局進行研訊或調查時，若監管局提出要求，持牌人應交出由他管有或控制的記錄或文件，就該等記錄或文件作出解釋或提供進一步詳情，及在可能範圍內提供一切協助，並對上述研訊和調查保守秘密。

《條例》第 28 條

- 2.11 持牌人在終止從事地產代理工作後三十一天內，應填妥《常規規例》附表表格8通知監管局。

《條例》第 40 (1)條

## 第2.12至2.21段適用於經營地產代理業務的持牌地產代理

- 2.12 經營地產代理業務的持牌地產代理應為其每個以特定營業名稱經營業務的營業地點申請營業詳情說明書，並應在該營業地點當眼地方展示有關的營業詳情說明書。

《發牌規例》第 10 (1)、14 (1)(a)條

- 2.13 持牌地產代理的任何營業詳情若有改變，應向監管局申請在其有關的營業詳情說明書上作出相應修改。

《發牌規例》第 14 (1)(e)條

- 2.14 持牌地產代理的營業詳情說明書如有遺失、被盜、受損或毀壞，應在切實可行範圍內盡快向監管局申請補發。

《發牌規例》第 11 條

- 2.15 持牌地產代理應在其發出或以其名義發出的任何信件、帳目、收據、小冊子、單張和其他文件及所有廣告中清晰及顯著地列明以下：—

- (i) 其牌照或營業詳情說明書號碼；
- (ii) 在有關的營業詳情說明書上載明的商號名稱；及
- (iii) 在有關的營業詳情說明書上載明的營業地點（非小冊子及單張的廣告除外）。

《發牌規例》第 14 (1)(b)、(c)條

- 2.16 經營地產代理業務的持牌地產代理，應確保所有現職或將任職的營業員均持有有效的地產代理或營業員牌照。

《條例》第 39 (1)條

- 2.17 經營地產代理業務的持牌地產代理，應確保每個辦事處（不論是主要辦事處、唯一辦事處、分行、支行或其他）是在一名由他委任的經理有效及獨立地控制及管理，並確保該名經理為持牌地產代理。

《條例》第 38 條

- 2.18 持牌地產代理代客戶收取款項時，應將款項全數或任何部分交給客戶，或按客戶書面指示支付。

《條例》第 43 條

- 2.19 持牌地產代理在僱用或終止僱用某人為營業員後三十一天內，應填妥《常規規例》附表表格9通知監管局。

《條例》第 40 (2)條

- 2.20 持牌地產代理在委任或終止委任經理後三十一天內，應填妥《常規規例》附表表格10通知監管局。

《條例》第 40 (3)條

- 2.21 持牌地產代理在成為或終止作為地產代理業務的合夥成員後三十一天內，應填妥《常規規例》附表表格12通知監管局。

《條例》第 40 (5)條

## 第2.22至2.25段適用於持有地產代理牌照的公司

- 2.22 持有地產代理牌照的公司應至少有一名董事持有由監管局批給的有效地產代理牌照。

《條例》第 20 (1)(a)條；《發牌規例》第 8 條

- 2.23 持有地產代理牌照的公司應確保每一名參與地產代理業務的董事，均持有由監管局批給的有效地產代理牌照。

《條例》第 20 (1)(a)條

- 2.24 持有地產代理牌照的公司應確保當其時每名董事均符合《條例》第 20 (3) 條有關適當人選的規定。

《條例》第 20 (1)(c)條

- 2.25 持有地產代理牌照的公司，在委任或終止委任某人為董事後三十一天內，應填妥《常規規例》附表表格11通知監管局。

《條例》第 40 (4)條

## 第2.26和2.27段適用於以營業員身分受僱於地產代理的持牌人

- 2.26 以營業員身分受僱於地產代理的持牌人，應確定其僱主是持牌地產代理。

《條例》第 16 (1)(b)條

- 2.27 以營業員身分受僱於持牌地產代理的持牌人代客戶收取款項時，應立即把款項交給僱用他的地產代理或存入該地產代理開立的信託戶口。

《條例》第 43 條

## 乙部 香港住宅物業

### 第2.28至2.43.1段適用於處理香港住宅物業的買賣或租賃的持牌人

- 2.28 持牌人在處理任何全部或主要供人居住的香港物業的買賣或租賃時，應按《常規規例》下的規定進行及使用表格1至6。

- 2.29 持牌地產代理在接受任何人士委託前，應告知該人士自己是持牌地產代理及自己的牌照號碼。

《常規規例》第 5 (1) 條

- 2.30 持牌營業員在為任何人士進行地產代理工作前，應告知該人士自己是持牌營業員及自己的牌照號碼。

《常規規例》第 5 (2) 條

### 2.31 表格

- 2.31.1 (a) 在代表賣方出售物業，或在代表買方而賣方並沒有地產代理代表的情況下，持牌地產代理應填妥表格1。

- (b) 在代表業主出租物業，或在代表租客而業主並沒有地產代理代表的情況下，持牌地產代理應填妥表格2。

- (c) 在代表賣方出售物業的情況下，持牌地產代理應與賣方簽訂表格3。

- (d) 在代表買方購入物業的情況下，持牌地產代理應與買方簽訂表格4。

- (e) 在代表業主出租物業的情況下，持牌地產代理應與業主簽訂表格5。

- (f) 在代表租客承租物業的情況下，持牌地產代理應與租客簽訂表格6。

- 2.31.2 任何表格，均應按照該表格內的指引及指示填寫，附同該表格內指明的文件，及以表格內指明的方式提交予表格指明的人士（如有的話）。

《常規規例》第 3 (2) 條

2.31.3 持牌地產代理在提供任何表格時，應在切實可行的範圍內盡快取得該表格列明的資料，及確保該等資料及表格內其他資料的準確性。

《常規規例》第3(3)條

2.31.4 《條例》並沒有為下述情況訂明任何表格：

- (a) 買賣或租賃與住宅物業分開的泊車位；
- (b) 非獨立單位（獨立單位指有獨立煮食設備及浴室的獨立住宅，不論是否設有廁所）的租賃；及
- (c) 首次出售連住宅物業土地中的不分割份數（即一手物業）。

《常規規例》第3(4)條

## 2.32 物業資料

2.32.1 持牌地產代理應就其訂立地產代理協議的物業：—

- (a) 在代表賣方期間，管有或控制表格1（買賣的情況下）或表格2（租賃的情況下）指定的物業資料；
- (b) 在合理的範圍內確保能信納（a）段物業資料的準確性；
- (c) 按表格1（買賣的情況下）或表格2（租賃的情況下）的要求向訂明的人士提供（a）段的物業資料；
- (d) 在賣方客戶明確指示他無須將其接獲的每項要約通知該客戶，或在有關地產代理協議條文不再對他適用時（兩者以較早發生者為準）之前的任何時間，將該等要約通知該客戶；



(e) 向客戶披露對有關物業擁有的所有金錢上或其他實益權益，和若售出／租出或購入／租入該物業會為其帶來的所有利益（包括佣金或其他任何種類的權益）；及

(f) 若同時代表買賣雙方，須如實告知雙方客戶。如其中一方客戶要求取得另一方客戶提供的有關物業的資料，他亦應提供該等資料，除非另一方客戶曾明確表示不可提供該等資料。

《條例》第 36 (1)(a)(i) 至 (vii) 條

2.32.2 任何以營業員身分受僱於地產代理的持牌人，若就某項物業進行地產代理工作，應遵從《條例》第 36 (1)(a)(v)、(vi) 及 (vii) 條（即以上 2.32.1 (d)、(e) 及 (f) 段）。

《條例》第 36 (3) 條

2.32.3 當一名經理就某項物業行事時，他亦應一如訂立地產代理協議的有關持牌地產代理般遵守《條例》第 36 (1)(a)(i) 至 (vii) 條。

《條例》第 38 (3) 條

## 2.33 地產代理協議

2.33.1 代表賣方的持牌地產代理應在 (a) 接受出售或出租物業的指示後七個工作日內；(b) 為出售或出租物業作廣告宣傳之前；或 (c) 為物業簽署買賣協議或租契之前（三者中以最早者為準），與賣方訂立地產代理協議。

《常規規例》第 6 (1) 條

2.33.2 代表買方的持牌地產代理應在 (a) 安排買方視察有關的物業之前；或 (b) 為物業簽署買賣協議或租契之前（兩者中以較早者為準），與買方訂立地產代理協議。

《常規規例》第 6 (2) 條

- 2.33.3 持牌人在與任何沒有律師代表的客戶訂立地產代理協議前，應向他解釋協議中不同種類的代理委任及其含意和效力，及協議中每一項條款及條件，以確保客戶知悉他的權利及義務。如客戶並不明白他的解釋，則應建議該客戶尋求法律意見。

《常規規例》第 6 (3) 條

- 2.33.4 (a) 在親自向客戶提交一份未簽立的地產代理協議供客戶簽署時，若該文件在客戶簽署後仍不會成為一份已簽立的地產代理協議，持牌地產代理應當場給予客戶該份未簽立協議的副本，以及其中提述任何其他文件的副本。

《條例》第 47 (1) 條

- (b) 在送交客戶一份未簽立的地產代理協議供客戶簽署時，持牌地產代理應同時將該未簽立的協議的副本及其中提述任何其他文件的副本送交該客戶。

《條例》第 47 (2) 條

- 2.33.5 (a) 在親自向客戶提交一份未簽立的地產代理協議供客戶簽署時，若該文件在客戶簽署後即成為已簽立的地產代理協議，持牌地產代理應當場給予客戶該份簽立協議的副本，以及其中提述任何其他文件的副本。

《條例》第 48 (1) 條

- (b) 持牌地產代理應在地產代理協議簽立後七天內給予客戶一份該簽立協議的副本及其中提述任何其他文件的副本，除非《條例》第 48 (1) 條適用，或一份未簽立的地產代理協議曾送交客戶簽署，而在該客戶簽署後，該文件便成為一份已簽立的地產代理協議。

《條例》第 48 (2) 條

## 2.34 首次出售連住宅物業土地的不分割份數

2.34.1 在賣方第一次出售連物業土地中的不分割份數的情況下，持牌地產代理可與賣方訂立書面協議並述明：

- (a) 代理須按照《常規規例》附表中表格1的規定取得該表格第1部列明的資料。若代理已採取所有合理步驟和已盡一切努力仍不能取得該等資料，須向賣方取得該等資料；
- (b) 代理須獲賣方提供表格1第2部，除非有關物業屬未完成建築物的單位；
- (c) 代理是否亦獲准為買方行事；及
- (d) 如代理亦為買方行事，則須在協議中披露他對有關物業所擁有的任何金錢上或其他實益權益。如該等權益於簽訂協議後產生，則他亦須作出書面披露。

《常規規例》第7(1)條

2.34.2 若持牌地產代理同時代表買賣雙方，應如實告知雙方。如其中一方客戶要求取得另一方客戶提供的有關物業的資料，他亦應提供該等資料，除非該另一方客戶曾明確表示不可提供該等資料。

《常規規例》第7(2)條

## 2.35 尋求指示

2.35.1 當持牌人尋求客戶指示時，不得就某物業提供任何虛假或具誤導性的資料。

《常規規例》第8(1)條

- 2.35.2 持牌人在未獲得賣方事先書面同意的情況下，不應將賣方提供關於賣方或其物業的資料轉移給任何分銷放盤代理。

《常規規例》第 8 (3) 條

- 2.35.3 若已知或理應知道根據一份已簽立的地產代理協議，該物業已有獨家代理，持牌人不應向賣方索取任何指示，除非持牌人已促使賣方注意若就該物業簽立另一份地產代理協議，賣方可能須支付額外佣金。

《常規規例》第 8 (4) 條

- 2.35.4 持牌地產代理應備存一份載錄其所有物業放盤的紀錄及地產代理協議的文本，為期不少於自收取有關放盤或訂立有關協議後起計三年。獲書面授權的監管局人員，有權查閱該等紀錄。持牌人須回答監管局人員就查閱而提出的問題，並提供其要求的資料。

《常規規例》第 8 (2) 條

## 2.36 廣告宣傳

- 2.36.1 持牌地產代理不應就其地產代理業務發出在要項上屬虛假或具誤導性陳述的廣告。

《常規規例》第 9 (1) 條

- 2.36.2 持牌地產代理在就賣方的住宅物業發出廣告之前，應取得該賣方的書面同意。

《常規規例》第 9 (2) 條

- 2.36.3 持牌地產代理不應就其代表的住宅物業，發出在價格或條款方面有別於賣方指示的廣告宣傳。

《常規規例》第 9 (3) 條

2.36.4 持牌地產代理不應為任何擬分租的住宅物業，發出沒有明確說明該物業是擬分租的廣告。

《常規規例》第 9 (4) 條

2.36.5 若有關的物業不再可供售賣或出租，或有關的地產代理協議終止後（兩者中以較早者為準），持牌地產代理應在切實可行範圍內盡快移去所有由他發出的廣告。

《常規規例》第 9 (5) 條

2.36.6 任何以分銷放盤代理身分行事的持牌地產代理亦應遵從《常規規例》第 9 (3)、(4) 及 (5) 條的規定。

《常規規例》第 9 (6) 條

## 2.37 視察及查看物業

2.37.1 持牌人應協助安排和陪同買方視察及查看物業（如適用的話，包括泊車位及公用地方），除非買方另有指示。

《常規規例》第 10 (a) 條

2.37.2 未經賣方事先同意，持牌人不應安排任何人視察及查看物業。

《常規規例》第 10 (b) 條

2.37.3 在簽署買賣協議或租契之前，持牌人應確定連同有關物業出售或出租的東西，並應為此擬定一份書面清單。

《常規規例》第 10 (c) 條

## 2.38 進行商議

2.38.1 除非確實有要約，否則持牌人不應聲稱買方已提出要約。

《常規規例》第 11 (a) 條

- 2.38.2 持牌人應確保所提供給客戶關於物業價格及租金的資料及比較數據，沒有對有關物業的價值有所誤導。

《常規規例》第 11 (b) 條

- 2.38.3 持牌人不應對賣方或買方施加任何不當影響，以誘使其訂立任何買賣協議或租契。

《常規規例》第 11 (c) 條

- 2.38.4 持牌人應備存一份就物業作出的所有要約的書面紀錄。

《常規規例》第 11 (d) 條

- 2.38.5 持牌人應在接獲任何要約後，在切實可行範圍內盡快向客戶提交該要約，以供客戶接受。

《常規規例》第 11 (e) 條

- 2.38.6 持牌人應按其接獲各項要約的次序，以客觀和無偏頗的方式通知客戶。

《常規規例》第 11 (f) 條

## 2.39 買賣協議及租契

- 2.39.1 持牌人在與任何沒有律師代表的客戶訂立任何買賣協議或租契之前，應向客戶解釋其中每項條文的涵義並促使客戶注意其中的重要條款及條文的涵義。如客戶並不明白他的解釋的任何部分，持牌人應建議客戶尋求法律意見。

《常規規例》第 13 (1) 條

- 2.39.2 持牌人在有關物業已經簽訂買賣協議或租契後，不應繼續推銷該物業，也沒有責任向賣方披露其後關於該物業的要約。

《常規規例》第 13 (2) 條

- 2.39.3 持牌人應採取切實可行的步驟，以確保賣方的姓名或名稱正確，以防止在訂立買賣協議或租契時，有人蓄意假冒業主身分。如賣方屬個人，持牌人應向賣方收取香港身分證或其他身分證明文件的副本。

《常規規例》第 13 (3) 條

- 2.39.4 代表賣方的持牌人應在緊接訂立買賣協議或租契之前，就該物業安排在土地註冊處進行土地查冊，並向物業的買方提供一份土地查冊副本。

《常規規例》第 13 (4) 條

## 2.40 佣金

- 2.40.1 以分銷放盤代理身分行事的持牌人，不應向主代理的客戶要求支付任何佣金。

《常規規例》第 14 (1) 條

- 2.40.2 持牌人如向客戶推薦使用其他人士提供的服務，而由於該項推薦或因該客戶使用有關的服務可能對持牌人帶來金錢上或其他實益權益，則持牌人在向客戶推薦使用該項服務前應披露該等利益。

《常規規例》第 14 (2) 條

- 2.40.3 持牌地產代理應就客戶所支付的任何佣金立即發出書面收據，及保留該收據的副本自發出起計最少三年。本指引也適用於就客戶所需支付的佣金而發出的發票。

《常規規例》第 14 (3)、(4) 條

## 2.41 備存帳目及紀錄

- 2.41.1 持牌地產代理應就其為客戶或代客戶收取或持有或支付的所有款項，備存妥善的帳目。獲書面授權的監管局人員，有權查閱該等帳

目。持牌人應回答監管局人員就查閱該等帳目而提出的任何問題，並提供其要求的資料。

《常規規例》第 12 (1) 條

2.41.2 持牌人應在監管局要求下，提供一份由執業會計師發出，證明持牌人否按《常規規例》第12 (1) 條備存妥善帳目的證明書。

《常規規例》第 12 (8) 條

2.41.3 持牌地產代理應就所收取的任何款項立即向客戶發出書面收據，及在發出收據之後，將該收據的副本保留最少三年。

《常規規例》第 12 (2) 條

2.41.4 持牌地產代理應將其為客戶或代客戶收取或持有的所有款項，存入在一家認可機構開立的信託戶口內，並將有關存款收據保留最少三年。

《常規規例》第 12 (3)、(4) 條

2.41.5 除非得到客戶的指示，並藉支票或電子轉帳方式過戶，否則持牌地產代理不應從信託戶口中提取款項。

《常規規例》第 12 (5) 條

2.41.6 持牌地產代理如在其財政年度內沒有為客戶或代客戶收取或持有任何款項，則應在監管局要求下，並在指明的期限前向監管局送交一份表明此事的法定聲明。

《常規規例》第 12 (6) 條

2.41.7 持牌地產代理只應按照有關的買賣協議、租契條款，或買方的指示發放按金。

《常規規例》第 12 (7)(a) 條



- 2.41.8 持牌地產代理應在發放任何按金之前確保賣方的身分與有關物業的擁有人的身分相同，如賣方與擁有人並非同一人，則應確保賣方有權出售該物業。

《常規規例》第 12 (7)(b)條

- 2.41.9 如買方就買入或租入有關住宅物業而提出的要約不獲賣方接受，持牌地產代理應在切實可行範圍內盡快將買方的支票或訂金歸還買方。

《常規規例》第 12 (7)(c)條

## 2.42 有效控制

- 2.42.1 持牌地產代理應設立妥善的程序或制度，以監管和管理其地產代理業務，並確保其僱員或在其轄下的人士遵守《條例》及其附例。

《常規規例》第 15 條

## 2.43 應由合夥人遵從的條文

- 2.43.1 凡某合夥業務有二名或以上的成員為持牌地產代理，而《條例》第 38 (1)(a)、40 (2) 及 (3)、47 (1) 及 (2) 和 48 (1) 及 (2) 條（即以上 2.17、2.19、2.20、2.33.4 及 2.33.5 各段的規定）已獲最少一名該等成員遵守，則在這情況下，亦僅在這情況下，該等規定將被視為已獲每名成員遵守。

《常規規例》第 16 條

## 丙部 個人牌照持有人適用的牌照事宜

第2.44至2.46.1段適用於地產代理（個人）牌照或營業員牌照的持有人或曾經持有該等牌照的人

### 2.44 轉領另一類牌照

2.44.1 地產代理牌照持有人可申請批給營業員牌照。

《發牌規例》第7(1)(ab)及(4B)條

2.44.2 營業員牌照持有人可申請批給地產代理牌照，但該持牌人須曾在某時間在地產代理資格考試中考獲合格成績，或身為資深從業員的他已在2001年12月31日或之前完成地產代理訓練課程。

《發牌規例》第7(1)(ac)及(4C)條

### 2.45 重新入行

2.45.1 曾經持有地產代理或營業員牌照（視屬何情況而定）的人可申請批給與曾持有的牌照同類的牌照，但他須於有關期間（見以下第2.46段）提出申請。

《發牌規例》第7(1)(aa)、(4A)及(4E)條

2.45.2 曾經持有地產代理牌照的人可申請批給營業員牌照，但他須於有關期間（見以下第2.46段）提出申請。

《發牌規例》第7(1)(ab)、(4B)及(4E)條

2.45.3 曾經持有營業員牌照的人可申請批給地產代理牌照，但

(a) 他須於有關期間（見以下第2.46段）提出申請；及

- (b) 他已於任何時間在地產代理資格考試中考獲合格成績，或身為資深從業員的他已在2001年12月31日或之前完成地產代理訓練課程。

《發牌規例》第7(1)(ac)、(4C)及(4E)條

## 2.46 有關期間

2.46.1 就以上2.45段的目的而言，如牌照申請是在以下日期起計的二十四個月內提出，申請人即屬在有關期間內提出該申請 —

- (a) 如申請人曾持有的牌照被暫時吊銷，該項暫時吊銷的生效日期，或如該項暫時吊銷在該牌照有效期屆滿前失效，該有效期屆滿翌日；或
- (b) 在其他情況下，該牌照因為其有效期屆滿或其他理由而失效當日。

《發牌規例》第7(4E)條

**地產代理監管局**

**2007年2月1日**

# Code of Ethics

## Preamble

1. The following is the Code of Ethics promulgated by the Estate Agents Authority (EAA) for the purpose of providing guidance and directions in the conduct of estate agency work. It is the same version as the one issued on 1 January 2002.
2. Failure by licensees to observe and comply with the Code of Ethics may render them not being fit and proper persons under the Estate Agents Ordinance (EAO) to hold licences which in turn may affect their eligibility to be granted or to hold or continue to hold their licences. Disciplinary action may be taken against them.

## Code of Ethics

### 3.1 Compliance with the law

- 3.1.1 Estate agents and salespersons shall refrain from activities during their practice which may infringe the law.

### 3.2 Good understanding of related legislation and requirements

- 3.2.1 Estate agents and salespersons should be fully conversant with the EAO, its subsidiary legislation, this Code of Ethics, and other guidelines issued by the EAA from time to time and shall observe and comply with them in the course of their practice.
- 3.2.2 Estate agents and salespersons should keep themselves informed of any laws, government regulations, essential facts and developments in the real estate market in order to be in a position

to advise their clients in a responsible manner. They should strive to provide services and opinions based on knowledge, training, qualifications and experience in the real estate business.

3.3 Professional knowledge and competence required

- 3.3.1 Estate agents and salespersons shall, in the course of business, provide services to clients with honesty, fidelity and integrity. They should protect their clients against fraud, misrepresentation or any unethical practices in connection with real estate transactions.

3.4 Ethical and moral standard during practice and responsibilities

- 3.4.1 Estate agents and salespersons, in engaging and accepting an appointment as an agent, should protect and promote the interests of their clients, carry out the instructions of their clients in accordance with the estate agency agreement and act in an impartial and just manner to all parties involved in the transaction.

3.5 Exercising due diligence

- 3.5.1 Estate agents and salespersons shall, in fulfilling their duties, exercise due care and due diligence.

3.6 Minimizing any conflict of interest situations

- 3.6.1 Estate agents and salespersons should avoid accepting an appointment involving a property in which they have a beneficial interest.

- 3.6.2 Estate agents and salespersons shall, in the event of possible or potential conflict of interest (such as representing both the vendor and the purchaser), disclose to their clients that they are so acting. Any pecuniary or other beneficial interests in relation to the property shall be disclosed fully to all parties concerned.
- 3.7 Relationship between agents and ethical standards to be observed in conducting the estate agency business
- 3.7.1 Estate agents and salespersons shall not seek unfair advantage over, nor injure directly or indirectly the reputation of, nor publicly disparage the business practice of other agencies.
- 3.7.2 Estate agents and salespersons should avoid any practice which may bring discredit and/or disrepute to the estate agency trade.
- 3.7.3 Estate agents and salespersons should adhere to the principles of fair competition and refrain from restrictive business practices.

## **Estate Agents Authority**

**1 February 2007**

# Guide to the Estate Agents Ordinance

## Preamble

- 1.1 This guide lists out some of the main provisions of the Estate Agents Ordinance (EAO), the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation (PR), and the Estate Agents (Licensing) Regulation (LR) for the purpose of providing an easy understanding of such provisions. For ease of reference, the section number(s) of the EAO, the PR or the LR relating to such provisions is/are given. Practitioners are advised to consult the EAO, the PR and the LR for the exact provisions of law which shall, for all purposes, prevail over this guide.
- 1.2 Words and expressions used herein shall have the same meanings as in the EAO, the PR and the LR.
- 1.3 This guide supersedes the Practice Directions issued by the Estate Agents Authority (EAA) on 1 January 2002.

## Section A General Application

### **Paragraphs 2.1 to 2.21 apply to all licensees**

- 2.1 A licensee who is engaged in estate agency work or who carries on the business of estate agency work should have a valid licence issued by EAA.

EAO ss 15, 16

- 2.2 A licensee should comply with all the conditions on his licence.  
EAO s 27(2)(f)
- 2.3 A licensee should not, in doing estate agency work, use any name other than the name specified in his licence.  
EAO s 55(2)(a)
- 2.4 A licensee should not make any false or misleading statement when applying for the renewal of his licence, or in the course of being investigated by EAA or during the proceedings of an inquiry hearing, appeal, or determination of commission disputes.  
EAO s 55(1)
- 2.5 A licensee should notify EAA on the change of his registered address within 14 days of such change.  
EAO s 14(3)(a)
- 2.6 A licensee should apply to EAA as soon as is practicable for the replacement of his licence if it is lost, stolen, damaged, or destroyed.  
LR s 11
- 2.7 A licensee should cease doing any estate agency work on the date any suspension or revocation order that may be imposed on him takes effect.  
EAO ss 15, 16
- 2.8 If his application for the renewal of his licence is refused by EAA, or if his licence is revoked by EAA, a licensee should not apply again before the expiration of 12 months from the date of such refusal or revocation, as the case may be.  
EAO s 25; LR s 15



- 2.9 A licensee should apply for the renewal of his licence not more than three months and not less than one month prior to the expiration of such licence unless EAA has given prior written consent to a shorter period within which the application for renewal of licence should be made.

EAO s 23; LR s 13

- 2.10 In the event of an inquiry or investigation being conducted by EAA, a licensee should at the request of EAA produce any record or other document in his possession or under his control, provide explanation or particulars in respect of such record or document, and give all assistance which he is reasonably able to give, and maintain confidentiality in respect of such inquiry and investigation.

EAO s 28

- 2.11 A licensee should notify EAA by completing Form 8 in the Schedule to the PR within 31 days of his ceasing to be engaged in estate agency work.

EAO s 40(1)

**Paragraphs 2.12 to 2.21 apply to licensed estate agents carrying on the business of estate agency work**

- 2.12 A licensed estate agent who carries on the business of estate agency work should apply for a valid statement of particulars of business for each of his places of business under a particular business name. He should display the relevant statement of particulars of business at a conspicuous place at such place of business.

LR ss 10(1), 14(1)(a)

- 2.13 A licensed estate agent should in case of changes in any particulars of his business apply to EAA for corresponding amendments in the relevant statement of particulars of business.

LR s 14(1)(e)

- 2.14 A licensed estate agent should apply to EAA as soon as is practicable for the replacement of his statement of particulars of business if it is lost, stolen, damaged, or destroyed.

LR s 11

- 2.15 A licensed estate agent should state clearly and conspicuously on any letter, account, receipt, pamphlet, brochure and other document as well as all advertisements issued by him or on his behalf the following:-

- (i) his licence number or statement of particulars of business number;
- (ii) the business name as stated in the relevant statement of particulars of business; and
- (iii) the place of business as stated in the relevant statement of particulars of business (except for advertisements in non-brochure and pamphlet form).

LR s 14(1)(b), (c)

- 2.16 A licensed estate agent who carries on the business of estate agency work should ensure that his existing and prospective salespersons hold valid estate agent's or salesperson's licences, as the case may be.

EAO s 39(1)

- 2.17 A licensed estate agent who carries on the business of estate agency work should ensure that each of his offices (principal office, only office, branch office, sub-office, or otherwise) is under the effective and separate control and management of a manager appointed by him and such manager is a licensed estate agent.

EAO s 38

- 2.18 When he receives moneys for or on account of a client, a licensed estate agent should use the moneys or any part thereof for making payments to his client or as his client directs in writing.

EAO s 43

- 2.19 A licensed estate agent should notify EAA by completing Form 9 in the Schedule to the PR within 31 days of his employing or ceasing to employ a person as a salesperson.

EAO s 40(2)

- 2.20 A licensed estate agent should notify EAA by completing Form 10 in the Schedule to the PR within 31 days of his appointing or terminating the appointment of a manager.

EAO s 40(3)

- 2.21 A licensed estate agent should notify EAA by completing Form 12 in the Schedule to the PR within 31 days of his becoming or ceasing to be a partner of a partnership engaged in estate agency work.

EAO s 40(5)

**Paragraphs 2.22 to 2.25 apply to companies holding an estate agent's licence**

- 2.22 A company holding an estate agent's licence should have at least one director who holds a valid estate agent's licence issued by EAA.

EAO s 20(1)(a); LR s 8

- 2.23 A company holding an estate agent's licence should ensure that each of its directors who is engaged in its business as an estate agent holds a valid estate agent's licence issued by EAA.

EAO s 20(1)(a)

- 2.24 A company holding an estate agent's licence should ensure that each of its directors for the time being is a fit and proper person in accordance with section 20(3) of the EAO.

EAO s 20(1)(c)

- 2.25 A company holding an estate agent's licence should notify EAA by completing Form 11 in the Schedule to the PR within 31 days of its appointing a person as its director or such person ceasing to be its director.

EAO s 40(4)

**Paragraphs 2.26 and 2.27 apply to licensees employed by an estate agent in the capacity of a salesperson**

- 2.26 A licensee employed by an estate agent in the capacity of a salesperson should ascertain that his employer is a licensed estate agent.

EAO s 16(1)(b)

- 2.27 When a licensee employed by a licensed estate agent in the capacity of a salesperson receives moneys for or on account of a client, he should forthwith pay such moneys to the estate agent who employs him or into the trust account maintained by such estate agent.

EAO s 43

## **Section B Hong Kong Residential Properties**

**Paragraphs 2.28 to 2.43.1 apply to licensees handling the sale and purchase or the leasing of residential properties in Hong Kong**

- 2.28 A licensee should observe and comply with the provisions in the PR in handling the sale and purchase or the leasing of a property in Hong Kong used wholly or primarily for human habitation and use Forms 1-6 in the Schedule to the PR.
- 2.29 A licensed estate agent should, before accepting appointment from a person to act for that person, inform that person that he is a licensed estate agent and his licence number.
- 2.30 A licensed salesperson should, before doing any estate agency work for a person, inform that person that he is a licensed salesperson and his licence number.

PR s 5(1)

PR s 5(2)

## 2.31 Forms

- 2.31.1 (a) In acting for a vendor in the sale of a property, or in acting for a purchaser when the vendor is not represented by any estate agent, a licensed estate agent should complete Form 1.
- (b) In acting for a landlord in the leasing of a property, or in acting for a tenant when the landlord is not represented by any estate agent, a licensed estate agent should complete Form 2.
- (c) In acting for a vendor in the sale of a property, a licensed estate agent should enter into Form 3 with the vendor.
- (d) In acting for a purchaser in the purchase of a property, a licensed estate agent should enter into Form 4 with the purchaser.
- (e) In acting for a landlord in the leasing of a property, a licensed estate agent should enter into Form 5 with the landlord.
- (f) In acting for a tenant in the leasing of a property, a licensed estate agent should enter into Form 6 with the tenant.

2.31.2 The forms should be completed in accordance with the directions and instructions, accompanied by such documents, and supplied to such person, if so required, in the manner as specified in the respective forms.

PR s 3(2)

2.31.3 A licensed estate agent who supplies a form should obtain the information required to be included in the form as soon as is practicable and ensure the accuracy of the information so obtained as well as other information in the form.

PR s 3(3)

2.31.4 No form is prescribed for the purposes of the EAO in the following situations:

- (a) the sale and purchase or the leasing of a car parking space alone;
- (b) the leasing of a property that is not a self-contained unit (a self-contained unit is an independent dwelling with separate cooking facilities and bathroom with or without lavatory); and
- (c) a first sale of an undivided share in land in which a residential property forms part.

PR s 3(4)

## 2.32 Property Information

2.32.1 A licensed estate agent should, as regards any property in relation to which he has entered into an estate agency agreement:

- (a) if he acts for a vendor, for so long as he so acts, have in his possession or under his control information prescribed in Form 1 (in the case of sale and purchase) or Form 2 (in the case of leasing);
- (b) be reasonably satisfied as regards the accuracy of the information in (a) above;
- (c) supply the information in (a) above to persons specified in Form 1 (in the case of sale and purchase) or Form 2 (in the case of leasing) in accordance with the provisions in the form;

- (d) inform a client who is the vendor of each offer received before the client expressly instructs him not to do so or before any requirement under the estate agency agreement requiring him to do so no longer applies to him, whichever is the earlier;
- (e) disclose to a client full particulars of any pecuniary or other beneficial interest he has in the property concerned and any benefit (including any commission or any interest of whatever kind) which will accrue to him should the property be disposed of; and
- (f) if acting for both the vendor and the purchaser, inform both of such clients that he is so acting, and at the request of either client provide to the requesting client any information as regards the property concerned provided by the other client, unless he has been expressly instructed by that other client not to do so.

EAO s 36(1)(a)(i) to (vii)

2.32.2 When a licensee employed by an estate agent in the capacity of a salesperson does estate agency work in relation to a property, he should observe and comply with section 36(1)(a)(v), (vi) and (vii) of the EAO (i.e. paragraphs 2.32.1(d), (e) and (f) above).

EAO s 36(3)

2.32.3 Where a manager acts in relation to a property, he should comply with section 36(1)(a)(i) to (vii) of the EAO, as if he were the licensed estate agent who entered into the relevant estate agency agreement.

EAO s 38(3)



### 2.33 Estate Agency Agreements

2.33.1 A licensed estate agent should enter into an estate agency agreement with a vendor on the happening of one of the following events, whichever is the earliest: (a) within seven working days after accepting the vendor's instruction to sell or lease a property; (b) prior to advertising; (c) prior to the signing of an agreement for sale and purchase or a lease.

PR s 6(1)

2.33.2 A licensed estate agent should enter into an estate agency agreement with a purchaser on the happening of one of the following events, whichever is the earlier: (a) prior to arranging an inspection of a property by the purchaser; (b) prior to the signing of an agreement for sale and purchase or a lease.

PR s 6(2)

2.33.3 A licensee should, before entering into an estate agency agreement with a person who is not legally represented, explain to him the different types of agency appointment in the agreement and their implications and effects, and the terms and conditions in the agreement to ensure his awareness of his rights and obligations. If the person does not understand any part of the explanation given the licensee should recommend that person to seek legal advice.

PR s 6(3)

2.33.4 (a) When personally presenting an unexecuted estate agency agreement for signature by a client but when it is to be so signed the document does not become an executed estate agency agreement, a licensed estate agent should immediately deliver a copy of it, and of any document referred to in it, to the client.

EAO s 47(1)

- (b) When sending an unexecuted estate agency agreement to a client for his signature, a licensed estate agent should also send a copy of the unexecuted estate agency agreement, and of any document referred to in it, to the client.

EAO s 47(2)

- 2.33.5 (a) When personally presenting an unexecuted estate agency agreement for signature by a client and when it is so signed the document becomes an executed estate agency agreement, a licensed estate agent should immediately deliver a copy of the executed agreement, and of any document referred to in it, to the client.

EAO s 48(1)

- (b) A licensed estate agent should within seven days following the execution of an estate agency agreement give a copy of the executed estate agency agreement, and of any document referred to in it, to the client, unless section 48(1) of the EAO applies or an unexecuted estate agency agreement was sent to the client for signature and upon such signing the agreement became an executed estate agency agreement.

EAO s 48(2)

## 2.34 First Sale of Undivided Share in Land in which Residential Property Forms Part

- 2.34.1 In a first sale of an undivided share in land in which a property forms part by a vendor of the property, a licensed estate agent may enter into a written agreement with the vendor stating that:

- (a) the agent shall obtain the information in Part 1 of Form 1 in the Schedule to the PR in accordance with the provisions of

that Form or from the vendor in case he is unable to obtain any such information in accordance with the said provisions after taking all reasonable steps and exercising all due diligence;

- (b) the agent shall be supplied with Part 2 of Form 1 from the vendor unless the property is a unit in an uncompleted building;
- (c) whether the agent is also permitted to act for the purchaser; and
- (d) if the agent also acts for the purchaser, he shall disclose any pecuniary or other beneficial interest he has in the property in the agreement, or in writing when such interest subsequently arises.

PR s 7(1)

2.34.2 If a licensed estate agent acts for both the vendor and the purchaser, he should inform both of such clients that he is so acting, and at the request of either client provide to the requesting client any information as regards the property concerned provided by the other client, unless he has been expressly instructed by that other client not to do so.

PR s 7(2)

## 2.35 Seeking Instructions

2.35.1 A licensee should not supply any false or misleading information in relation to a property when seeking instructions from a client.

PR s 8(1)

2.35.2 A licensee should not pass to a sub-listing agent any information of a vendor or his property supplied by the vendor without the prior written consent of the vendor.

PR s 8(3)

2.35.3 A licensee should not solicit an instruction from a vendor if he knows or should have known that the property concerned is subject to an exclusive agency granted to another licensed estate agent under an estate agency agreement unless the licensee has drawn the vendor's attention to the fact that he may be liable for additional commission if he enters into another estate agency agreement in respect of the property.

PR s 8(4)

2.35.4 A licensed estate agent should keep a record of all listings of properties and copies of all estate agency agreements entered into for not less than three years from the receipt of the listings or the entering into of the estate agency agreements, as the case may be. EAA officers authorised in writing can inspect such record. A licensee should answer any question and supply any information requested by the officer in relation to such inspection.

PR s 8(2)

## 2.36 Advertising

2.36.1 A licensed estate agent should not issue an advertisement relating to his estate agency business which includes any false or misleading statement in a material particular.

PR s 9(1)

2.36.2 A licensed estate agent should obtain a vendor's written consent before issuing any advertisement in respect of the vendor's residential property.

PR s 9(2)

2.36.3 A licensed estate agent should not advertise a residential property at a price or rental or on terms different from that instructed by the vendor.

PR s 9(3)

2.36.4 A licensed estate agent should not issue an advertisement in respect of a residential property to be sublet without stating in the advertisement that the property is to be sublet.

PR s 9(4)

2.36.5 A licensed estate agent should remove all advertisements issued by him as soon as is practicable after the property concerned is no longer available for sale or purchase or leasing, or the relevant estate agency agreement is terminated, whichever is the earlier.

PR s 9(5)

2.36.6 A licensed estate agent who acts as a sub-listing agent should comply with section 9(3), (4) and (5) of the PR.

PR s 9(6)

## 2.37 Property Inspection and Viewing

2.37.1 A licensee should assist in making arrangement for property inspection and viewing by a purchaser (including a car parking space and common areas if applicable) and accompany the purchaser for such inspection and viewing unless otherwise instructed by the purchaser.

PR s 10(a)

- 2.37.2 A licensee should obtain the vendor's consent before arranging an inspection and viewing of a property.

PR s 10(b)

- 2.37.3 A licensee should establish what is to be included in the sale or leasing of a property before the signing of an agreement for sale and purchase or a lease and prepare a written inventory thereof.

PR s 10(c)

## 2.38 Conduct of Negotiation

- 2.38.1 A licensee should not claim that a purchaser has made an offer unless the offer exists.

PR s 11(a)

- 2.38.2 A licensee should ensure that information or comparables on property prices or rentals supplied to a client for reference do not misrepresent the value of the property concerned.

PR s 11(b)

- 2.38.3 A licensee should not exercise any undue influence on a vendor or a purchaser so as to induce him to enter into an agreement for sale and purchase or a lease.

PR s 11(c)

- 2.38.4 A licensee should keep a written record of all offers in respect of a property.

PR s 11(d)

- 2.38.5 A licensee should present an offer to a client for acceptance as soon as is practicable after receiving it.

PR s 11(e)

- 2.38.6 A licensee should inform a client of all offers received in the order he receives them and present them in an objective and unbiased manner.

PR s 11(f)

2.39 Agreements for Sale and Purchase and Leases

- 2.39.1 A licensee should, before a client who is not legally represented enters into an agreement for sale and purchase or a lease, explain the meaning of each clause and draw to his client's attention the meaning of any essential terms and provisions, and recommend his client to seek legal advice if his client does not understand any part of the explanation.

PR s 13(1)

- 2.39.2 After the signing of an agreement for sale and purchase or a lease, a licensee should not continue to market the property concerned, or be obligated to disclose any further offers to the vendor concerning the property.

PR s 13(2)

- 2.39.3 A licensee should take all practicable steps to ensure that the name of the vendor is correct to avoid fraudulent misrepresentation of identity. If the vendor is an individual, such steps may include collecting a copy of his Hong Kong Identity Card or other identification document.

PR s 13(3)

- 2.39.4 A licensee acting for a vendor should conduct an up-to-date land search of the property concerned immediately before an agreement for sale and purchase or a lease is entered into, and give a copy of the same to the purchaser.

PR s 13(4)

## 2.40 Commission

- 2.40.1 A licensee acting as a sub-listing agent should not demand payment of any commission from the client concerned of the principal agent.

PR s 14(1)

- 2.40.2 A licensee should not recommend to a client the use of the services of any other person where a pecuniary or other beneficial interest may accrue to the licensee in consequence of the recommendation, or the use of the services by the client, without first disclosing that interest to the client at the time of the recommendation.

PR s 14(2)

- 2.40.3 A licensed estate agent should issue a written receipt immediately to a client for any commission paid by the client, and retain a copy of such receipt for not less than three years after it is issued. This direction also applies to an invoice for commission issued by a licensed estate agent.

PR s 14(3), (4)

## 2.41 Keeping of Accounts and Record

- 2.41.1 A licensed estate agent should keep proper accounts as to moneys received or held, or paid by him, for or on account of clients. EAA officers authorised in writing can inspect such accounts. A licensee should answer any question and supply any information requested by the officer in relation to such inspection.

PR s 12(1)



2.41.2 A licensed estate agent should, if required to do so by EAA, furnish to EAA a certificate issued by a certified public accountant (practising) as to whether proper accounts have been kept in accordance with section 12(1) of the PR.

PR s 12(8)

2.41.3 A licensed estate agent should issue a written receipt to a client immediately for any moneys received, and retain a copy of the receipt for not less than three years after the receipt is issued.

PR s 12(2)

2.41.4 A licensed estate agent should deposit all moneys received or held for a client in a trust account maintained at an authorised institution, and retain a copy of the deposit slip for not less than three years after the deposit was made.

PR s 12(3), (4)

2.41.5 A licensed estate agent should not withdraw money from a trust account except in accordance with his client's instructions and by a cheque or by an electronic funds transfer.

PR s 12(5)

2.41.6 If no money has been received or held on behalf of clients during a financial year of a licensed estate agent, the agent should, if required to do so by EAA, send to EAA a statutory declaration to that effect within a specified period.

PR s 12(6)

2.41.7 A licensed estate agent should only release deposit money in accordance with the terms of the agreement for sale and purchase or the lease, or with the purchaser's instructions.

PR s 12(7)(a)

- 2.41.8 A licensed estate agent should ensure that the identity of the vendor and of the owner of a property are the same, or, if they are different, the vendor has authority to sell the property, before releasing any deposit money.

PR s 12(7)(b)

- 2.41.9 A licensed estate agent should return a purchaser's cheque or deposit money as soon as is practicable if the purchaser's offer to purchase or lease the property concerned is not accepted by the vendor.

PR s 12(7)(c)

## 2.42 Effective Control

- 2.42.1 A licensed estate agent should establish proper procedures or systems to supervise and manage his estate agency business to ensure that his employees or persons under his control comply with the EAO and its subsidiary legislation.

PR s 15

## 2.43 Compliance by Partnership

- 2.43.1 Where two or more licensed estate agents are members of a partnership, the provisions under sections 38(1)(a), 40(2) and (3), 47(1) and (2), 48(1) and (2) of the EAO (i.e. paragraphs 2.17, 2.19, 2.20, 2.33.4 and 2.33.5 above) shall be regarded as having been complied with by each of the members if, but only if, each such provision has been complied with by at least one of such members.

PR s 16

## **Section C   Licensing Matters Applicable to Individual Licensees**

**Paragraphs 2.44 - 2.46.1 apply to holders or ex-holders of an estate agent's licence (individual) or a salesperson's licence**

### **2.44   Switching of types of licence**

2.44.1 A holder of an estate agent's licence may apply for the grant of a salesperson's licence.

LR s 7(1)(ab), (4B)

2.44.2 A holder of a salesperson's licence may apply for the grant of an estate agent's licence provided that he has at any time passed a qualifying examination for estate agents or, where he is a senior practitioner he has completed a training course for estate agents on or before 31 December 2001.

LR s 7(1)(ac), (4C)

### **2.45   Re-entering the Trade**

2.45.1 An ex-holder of an estate agent's or salesperson's licence (as the case may be) may apply for the same type of licence provided that he makes the application within the relevant period (see paragraph 2.46 below).

LR s 7(1)(aa), (4A), (4E)

2.45.2 An ex-holder of an estate agent's licence may apply for the grant of a salesperson's licence provided that he makes the application within the relevant period (see paragraph 2.46 below).

LR s 7(1)(ab), (4B), (4E)

2.45.3 An ex-holder of a salesperson's licence may apply for the grant of an estate agent's licence provided that

- (a) he makes the application within the relevant period (see paragraph 2.46 below); and
- (b) he has at any time passed a qualifying examination for estate agents or, where he is a senior practitioner he has completed a training course for estate agents on or before 31 December 2001.

LR s 7(1)(ac), (4C), (4E)

#### 2.46 Relevant Period

2.46.1 For the purposes of paragraph 2.45 above, an individual makes an application for the grant of a licence within the relevant period if the application is made within 24 months from –

- (a) where the licence that the individual has held was suspended, the date on which the suspension took effect, or where the suspension had ceased to have effect before the licence expired, the day following the expiration of the licence; or
- (b) in any other case, the day on which the licence ceased to be valid, whether by reason of its expiration or otherwise.

LR s 7(4E)

**Estate Agents Authority**

**1 February 2007**