

Regulations on the Issues in the Implementation of Interim Provisions of Shanghai Municipality on the Administration of Real Estate Agents

In order to standardize the real estate market of Shanghai and enhance the management of real estate agents and real estate brokerage, the regulations concerning the Interim Provisions of Shanghai Municipality on the Administration of Real Estate Agents (hereinafter the Interim Provisions) are hereby promulgated:

1. Shanghai Housing and Land Administrative Bureau verify the applier for taking the business of real estate brokerage after training and issue the Certificate of Real Estate Agent of Shanghai.
2. Those who get the Certificate of Real Estate Agent should apply to the administrative organs of industry and commerce for registration of real estate agent. Within 30 days after the issuance of the business license, the applier should submit documents to the administrative department of real estate trade for record. Real estate agencies with foreign investment should apply to Shanghai Real Estate Trade Administration for record. Agencies in other forms should apply to the administrative department of real estate trade of the region of the registration organ of industry and commerce.

The following documents and materials should be submitted for record:

Real estate brokerage organizations should submit:

- (1). Application form for filing.
- (2). More than 5 Certificates of Real Estate Agent
- (3). Duplicated documents and materials for the registration with industrial and commercial department (The whole set).
- (4). The filing form of real estate agent

Individual real estate agent should submit:

- (1). Application form for filing.
- (2). The Certificate of Real Estate Agent of the applier him/herself
- (3). Duplicated documents and materials for the registration with industrial and commercial department (The whole set).
- (4). The filing form of real estate agent

Upon receiving the documents and materials for application, Shanghai Real Estate Trade Administration and the real estate trade administrative department of each district and county should check the application in time and give approval to those which meet the requirements. Meanwhile, they should submit the statistic table of filing of real estate agents and the complete list of the real estate agents to the municipal government.

3. Those who do not get the Real Estate Agent Certificate after passing the examination and who have not got in the business of real estate brokerage within 2 years after the issuance

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of the Certificate have to take the examination again. The original Certificate will be automatically invalid.

4. If there is any change of the staff who have the Certificate in real estate brokerage organizations, the certifications of the job change, transfer, or dismiss should be submitted to the original filing organs for registration of change or de-registration. For those who are to work in a new real estate brokerage organization, the certification issued by the HR department of the new organization should be submitted to filing organ of the brokerage organization for registration.

5. Those who have the Certificate of Real Estate Agent should be verified every two years. The verification should be conducted by housing administrations of each district, county and the real estate exchange administrative department of Planning and Land Administrative Bureau of Pudong District.

6. Special staff should arranged by the real estate exchange administrative department of each district and county for the supervision and inspection of the business activities of real estate agents. According to Chapter 3 “Management of Brokerage” of the Interim Provisions, the supervision of the real estate brokerage contract signed by the agent and the party should be conducted cooperatively with the industrial and commercial administrative department; supervision and inspection should be conducted to the service charge of the agent; the agents should be urged to submit the business statistic reports(printed by Shanghai Real Estate Bureau), and the reports should be collected and submitted to Shanghai Real Estate Bureau. For agents who violate the Interim Provisions, administrative punishment should be given according to Chapter4 “Penalty” of the Interim Provisions. The administrative punishment by the real estate administrative department of districts and counties should reported to Shanghai Real Estate Bureau. Revocation of Certificate of Real Estate Agent should be reported to the Shanghai Real Estate Bureau in advance.

7. Real estate administrative departments of each district and county may charge administration fees according to the income of the real estate agents. The standard of the administration fee should be given in further notice after the coordination of Shanghai Price-Fixing Bureau, Shanghai Finance Bureau and Shanghai Real Estate Bureau.

8.

Shanghai Housing and Land Administrative Bureau

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