



## 小心處理業權欠妥善的物業交易 BE CAREFUL IN HANDLING TRANSACTIONS OF PROPERTIES WITH DEFECTIVE TITLES

The EAA has noticed from some media reports that while the property market has been dominated by first-hand residential properties recently, some consumers are attracted by certain “special properties” whose prices are substantially lower than the market price. Apart from “haunted flats”, such “special properties” might involve defective titles and therefore licensees should pay extra attention when promoting such properties to their clients and advise them appropriately to protect their interests.

監管局留意到某些媒體報道，雖然現時物業市場以一手樓盤主導，也有部份消費者被一些大幅低於市價的「另類物業」所吸引。除「凶宅」外，這些「另類物業」還包括一些業權欠妥的物業。因此，持牌人向客戶介紹這類物業時要特別留意，及向客戶提供適當意見，以保障他們的利益。

透過為物業進行過往及現時的土地查冊，或可得悉該物業是否註有遺失契據聲明書、送讓契或無償轉讓契。在處理這些物業交易時，持牌人應如實告知客戶購買該等物業的風險，包括買方可能無法取得足夠的按揭貸款以完成購買該物業及/或在轉售該物業時無法證明其良好業權。同時，持牌人也應建議客戶在簽訂任何買賣協議前，先徵詢法律意見，以了解清楚購買/出售該物業所涉及的風險。

根據監管局發出的《操守守則》第3.4.1段，持牌人必須保障和促進客戶的利益。因此，持牌人在處理此類物業的買賣時，務必提高警覺及謹記以上要點。

A historical and current land search of the property may reveal that there are registrations of declaration of loss of title deeds, deed of gift or assignment at nil consideration. When handling transactions of such properties, licensees should inform the potential purchaser that there is a risk that the purchaser may not be able to obtain a sufficient mortgage loan to complete the purchase of the property and/or to prove good title in the resale of the property. Licensees should also advise their clients to seek legal advice on the risk of selling/purchasing the property before they enter into any agreement for sale and purchase of the property.

Licensees are reminded that under paragraph 3.4.1 of the *Code of Ethics* issued by the EAA, they should protect and promote the interests of their clients. Hence, licensees should be alerted to and bear in mind the above when handling the sale and purchase of these properties.