

執業問與答

PRACTICE Q&A

在《專業天地》內，我們會解答與持牌人執業息息相關的一些常見提問。
In Horizons, we will answer selected enquiries commonly raised by licensees concerning estate agency practice.

問： 在向買方或租客客戶提供非住宅物業的樓面面積時，可否包括物業內的閣樓或閣仔的面積？

Q： Can I include the floor area of the cockloft or mezzanine floor in the floor area of a non-residential property when providing the information to the purchaser or tenant client?

答： 根據有關非住宅物業的買賣或租賃的執業通告(編號17-02(CR))，倘若有關的非住宅物業有閣樓或閣仔但其入伙紙沒有顯示有閣樓或閣仔，地產代理在未能核實該閣樓或閣仔的合法性的情況下，向買方或租客客戶提供該非住宅物業的樓面面積資料時，不得包含閣樓或閣仔的面積。

此外，地產代理應告知客戶該非住宅物業的閣仔或閣樓的合法性無法核實，購買或租賃該物業而其閣樓或閣仔可能屬違例建築工程的風險，並建議客戶在作出購買或租賃決定前，應就該閣樓或閣仔的合法性尋求法律及/或專業意見。

另外，為免發生糾紛，地產代理宜在買方或租客客戶作出購買或租賃有關物業的決定前，取得其書面確認，述明他們已知悉上述事項。

然而，倘若持牌人已核實該物業現有的閣樓或閣仔屬合法(例如已徵詢專業人士的意見或向屋宇署查證)，持牌人則可將相關事實告知買方或租客客戶，而在計算該物業的總樓面面積時，亦可包括該閣樓或閣仔的面積。但為求清晰及避免任何誤會，持牌人應向客戶分別提供閣樓或閣仔的面積資料以及該物業(不包括閣仔或閣樓)的面積資料。



A： According to the Practice Circular (No. 17-02(CR)) on Sale and Purchase or Leasing of Non-residential Properties, if the relevant occupation permit does not reveal that there is such a cockloft or mezzanine floor, estate agents must not include the floor area of the cockloft or mezzanine floor when providing the floor area information of the relevant non-residential property to the purchaser or tenant client since the legality of the cockloft or mezzanine floor pertaining to the non-residential property cannot be verified.

In addition, estate agents should inform the client that the legality of the cockloft or mezzanine floor pertaining to the non-residential property cannot be verified, the risks of purchasing or renting that property where the cockloft or mezzanine floor might be unauthorised building works and advise them to seek legal and/or professional advice on the legality of the cockloft or mezzanine floor before making any purchase or renting decision.

In order to avoid any disputes, estate agents are also advised to obtain a written acknowledgement from the purchaser or tenant client that they are aware of the matters mentioned above before making the purchase or renting decision.

However, estate agents may include the floor area of the cockloft or mezzanine floor when calculating the total floor area of the relevant non-residential property if they have verified the legality of the concerned cockloft or mezzanine floor (e.g. after consulting professional advice or verifying with the Buildings Department). Yet, for the sake of clarity and to avoid any misunderstanding, estate agents should provide the floor area of the relevant cockloft or mezzanine floor and the floor area of the non-residential property concerned (exclusive of the cockloft or mezzanine floor) separately to their clients.