

何謂「建築令」?

“B” FOR “BUILDING ORDER”

倘若物業違反《建築物條例》的相關條文，建築事務監督可發出相關的命令，而該「建築令」會註冊於該物業的土地登記冊上。建築事務監督可要求業主採取有關命令中規定的補救措施，糾正違例的行為。這類命令是物業的產權負擔，在業主履行命令後，建築事務監督會發出「完成規定事項證明書」或「滿意函」，並註於有關物業的土地登記冊上。

倘若有關建築令要求進行的工程涉及建築物的公用地方或設施，所有業主須共同負起履行有關建築令的責任，並按大廈公契規定分擔有關費用。如建築令只涉及個別單位，則該單位的業主須獨立承擔履行該建築令所需的費用。

倘若物業受制於建築令，地產代理應提醒客戶在簽署臨時買賣合約前先諮詢法律或其他專業意見。

A building order may be issued by the Building Authority (“BA”) and registered in the Land Register of the property when the property is in breach of the relevant provisions of the Buildings Ordinance. The owner is required by the BA to take remedial actions as specified in the order to rectify the breach. The order is an encumbrance on the property. Once an order has been complied with, a letter of compliance or satisfaction letter will be issued by the BA and registered in the Land Register of the relevant property.

If an order concerns works relating to the common areas or facilities of a building, generally, all owners of the building will be jointly liable for complying with the order and each owner will be responsible for the costs (apportioned in accordance with the deed of mutual covenant) required to discharge the order/notice. If an order is made against the owner of an individual unit, only the owner of such unit is liable for the cost and expenses for its discharge.

When the property is subject to a building order, the estate agent should advise his/her clients to seek legal and if necessary other professional advice before entering into a provisional agreement for sale and purchase.

