

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：倘若租住物業附有的傢俬及電器是由房東所提供的，而該等傢俬或電器日後涉及維修，有關的維修費用該由租客還是業主承擔？

Q： Should the tenant or landlord bear the cost of repair to the electrical appliances provided by the landlord in a rental property?

答：維修責任是引起業主與租客爭拗的主要源頭之一。地產代理應在租約上訂明出租單位所附有的傢俬、電器等；並提醒租客在簽署租約前，應小心檢查這些傢俬電器的狀況。此外，地產代理應註明該等裝置的維修費用應由哪一方負責，以及業主會否在租約期內更換。

A： Repairs are one of the major causes for disputes between landlords and tenants. Estate agents should list in the tenancy agreement any furniture and electrical appliances to be included in the tenancy, and remind the tenant to examine carefully the condition of the items before signing the tenancy agreement. Estate agents should also specify in the tenancy agreement which party will be responsible for the costs of repair of such items and whether any replacement will be provided by the landlord during the term of tenancy.

問：地產代理在處理未解除按揭的住宅物業的租賃時，需要注意那些地方？

Q： What are the points-to-note for estate agents when handling the lease transactions of residential properties with undischarged mortgage?

答：根據《地產代理常規(一般責任及香港住宅物業)規例》，地產代理與客戶在訂立訂明的地產代理協議後，有責任向客戶提供已填妥的《出租資料表格》(「表格2」)。「表格2」中須列明該物業的某些訂明資料，包括物業註冊於土地註冊處的有效產權負擔(例如按揭或押記)。另外，一般按揭契約訂明，業主須獲銀行同意，才可將已按揭的物業出租，否則銀行不會認可租客的租住權。如業主日後無法供款，而銀行沒收出租單位的話，租客將無權繼續租住，及可能無法取回按金。因此，地產代理在處理此類物業時應提醒客戶相關的潛在風險。

A： According to the Estate Agents Practice (General Duties and Hong Kong Residential Properties) Regulation, after entering into a prescribed estate agency agreement, estate agents are required to provide the completed Leasing Information Form (i.e. Form 2) to their clients in which certain prescribed information including the subsisting encumbrances registered in the Land Registry (such as mortgage or charge) about the concerned property should be stated. Moreover, a mortgage deed usually stipulates that the mortgaged property cannot be leased out, unless the landlord has obtained the bank's approval, otherwise the bank will not acknowledge the tenant's tenure. If the landlord stops repayment of the mortgage, when the bank takes possession, the tenant may not be able to continue renting the property. He may also be unable to get his rental deposit back. Estate agents should therefore remind clients on the potential risks when handling these properties.