

在《專業天地》內，我們會解答持牌人的一些常見提問。

In *Horizons*, we will answer questions commonly asked by licensees.

問 大廈公契除可得知購買該大廈單位的首名買家的名稱外，還可找到哪些資料？

答 大廈公契是大廈各業權共有人、大廈管理人和發展商所簽訂的私人協議，訂明業主之間、發展商和大廈管理人的權利、權益和責任。一般而言，大廈公契通常是由發展商與大廈的第一名買家簽訂後生效，並且對後來的買家同樣有約束力。

至於多層建築物的業權，是以不可分割業權份數來表述的。當業主購入一個多層建築物的單位時，他不但擁有這個單位的獨有管有權，也和其他單位的業主共同擁有建築物的公用部分。

為有效管理大廈和釐清有關人士的權利和責任，大廈公契會列明大廈哪部分被列為大廈的公用部分及大廈各部份所佔的不可分割的業權份數。

此外，在大部分情況下，大廈每一個單位的業主須承擔的管理費是取決於他所擁有的不可分割業權份數並列明於大廈公契之內。

因此，一般而言，大廈單位的首名買家名稱、該大廈各部份的不分割份數的分配、被列為該大廈公用地方的部份，以及大廈每一個單位的業主須承擔的管理費的份數，都可在大廈公契中找到。

Q Apart from the name of the first purchaser who purchased a unit/units in a building, what other information can be found in the deed of mutual covenant of a building?

A A deed of mutual covenant (“DMC”) is a private contractual agreement among all the co-owners, the building manager and also the developer of a building. It defines the rights, interests and obligations of these parties. In general, a DMC comes into effect on the date of execution by the developer and the purchaser of the first unit of the building and is binding on other subsequent purchasers.

Ownership in a multi-storey building is generally expressed in terms of undivided shares. When an owner purchases a flat in a multi-storey building, he is not only entitled to the exclusive possession of his flat, but also jointly owns the common parts of the building with other flat owners of the same building.

To facilitate management of a building and to effectively define the rights and obligations of the parties concerned, the parts which are designated as common areas in the building and the undivided shares of various parts of the building are set out clearly in the DMC of the building.

Moreover, the share of the management fees that each owner of a flat is liable to pay is determined on the basis of the undivided shares owned by him and is set out in the DMC under most circumstances.

Hence, generally speaking, the name of the first purchaser, the allocation of undivided shares, the parts which are designated as common areas in the building and the proportion of management fees that each flat owner of the building should bear could be found in the DMC.

