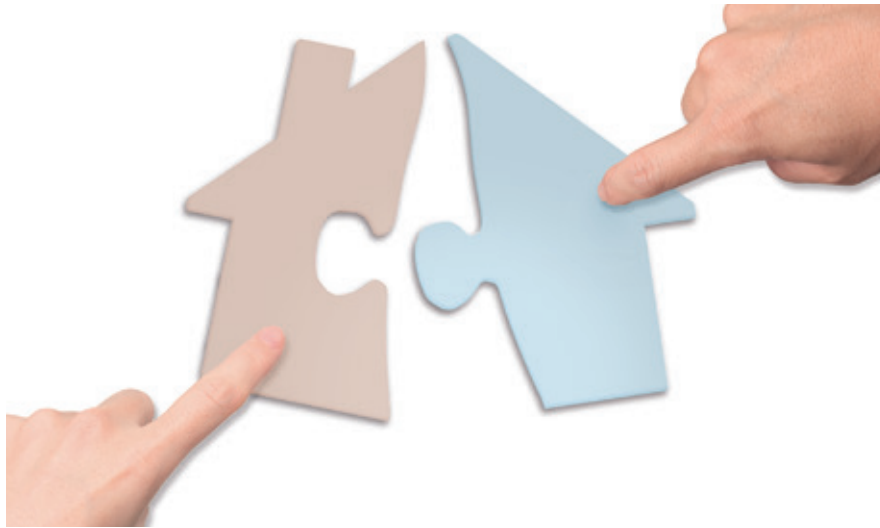


「聯權共有」與「分權共有」

T FOR TENANCY -

“JOINT TENANCY” AND “TENANCY IN COMMON”



一般來說，物業的共同擁有權可分為兩種：(1)聯權共有；及(2)分權共有。兩者的分別主要在於繼承的權利。

聯權共有是共有業權的一種，所有共同業主一起擁有整個物業，但個別業主不擁有任何物業的明確但不分割份數。如果其中一名共同業主身故，根據尚存者原則，該物業將歸屬予其餘在生的共同業主。在聯權共有業權下，各共同業主並不擁有物業的份數，亦無該物業的獨有管有權，而是與整個物業的其他共同業主享有共有權利。

如果業主以聯權共有方式持有物業，則臨時買賣協議、正式買賣協議、轉讓契或按揭等影響物業的所有文件，均須由所有聯權共有人簽署。

另一方面，分權共有是指每名業主擁有物業的明確但不分割份數。每名業主均有權與其他業主共同擁有整個物業的管有及使用權。遇有分權共有人身故時，尚存者原則不適用，已故業主的明確份數將根據其遺囑或繼承法傳予繼承人。

There are generally two forms of co-ownership of properties: (1) joint tenancy; and (2) tenancy in common. The difference between the two involves the right of succession.

Joint tenancy is a form of co-ownership where all the co-owners own the whole property together but individually they do not own a distinct undivided share in the property. On the death of a co-owner, the property remains vested in the survivors by virtue of the doctrine of survivorship. Under joint tenancy, the co-owner does not own a share in the property and does not have the exclusive possession of the property. He has rights in common with the other co-owners of the whole of the property.

Where the property is held by joint tenants, all documents affecting the property, such as a provisional agreement for sale and purchase, a formal agreement for sale and purchase, an assignment or a mortgage have to be signed by them all.

On the other hand, in a tenancy in common, each owner owns a distinct but undivided share in the property. Each owner is entitled to possession and use of the whole property in common with the others. On the death of a tenant in common, there is no right of survivorship, and his distinct share will pass according to his will or the law of intestacy to his successor.