

何謂「分契」物業？ “P” for “Partitioned properties”



分契物業一般指把一個物業分拆為兩個或以上較小的單位，部份可能涉及近年常見的「劏房」。

根據監管局發出的《操守守則》及指引，地產代理在處理物業交易時，須就有關物業進行土地查冊，以確認該物業的業權；倘若該物業涉及把單位分拆，他們應如實告知客戶。

此外，持牌人應提醒客戶購買或租賃此類物業的風險。倘若分拆該物業的文件尚未載於土地登記冊，而土地查冊紀錄顯示物業註有未解除的產權負擔，則有關物業的分拆有可能並不合法，又或涉及違例建築工程，有可能違反《建築物條例》、政府租契條文、大廈公契條文等。

由於分契物業的買賣涉及複雜的法律程序，持牌人應提醒賣方/買方客戶的權利及義務，並建議他們在訂立任何分契物業的買賣協議前先行徵詢法律意見。

“Partitioned properties” generally involve the division of a property into smaller units, some of which might involve “subdivided flats” that have become common nowadays.

According to the *Code of Ethics* and the guidelines issued by the EAA, estate agents should conduct a land search to verify the ownership of the relevant property when handling property transactions. If the property involves the partitioning of a unit, they should inform the client accordingly.

Moreover, licensees should remind their client of the possible risks of purchasing or renting such kind of property. If the documents for partitioning the property has not been registered with the Land Registry or the land search record shows there are subsisting encumbrances, the partitioning might not be lawful and involve unauthorised building works, which might be in breach of the Building Ordinance, the conditions of government lease and the Deed of Mutual Covenant etc.

As the sale and purchase of a partitioned property involves complicated legal procedures, licensees should remind their vendor/ purchaser clients of their respective rights and obligations, and suggest to them to seek legal advice before entering into any agreement for sale and purchase regarding the partitioned property.