

## 僭建物損害客戶利益

### Unauthorised Building Works (“UBW”) Harm Client’s Interest

**屋**宇署希望透過監管局提醒持牌人，在處理物業交易時，應提醒客戶有關物業的僭建物所涉及的風險。持牌人不應向客戶提供具誤導性資料，否則可能引致交易取消，而持牌人亦可能被監管局紀律處分。

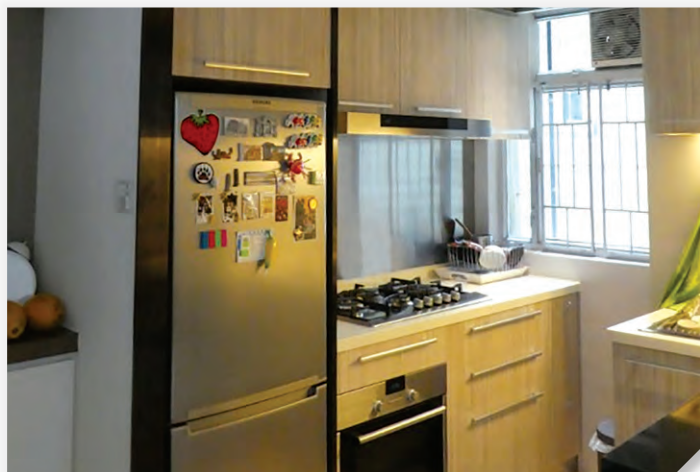
在一宗物業買賣交易中，買家在視察物業期間，向地產代理查詢：「這個單位內的閣樓是否合法？」地產代理毫不猶豫地回應：「這單位並沒有任何僭建物。」其後，買家再詢問：「這廚房可否改為開放式廚房？」該地產代理說：「你可在裝修期間，找工人拆掉廚房圍牆及門，因只涉及室內工程，一般無需申請及預先審批。」

事實上，從屋宇署「百樓圖網」取得的批准圖則顯示該單位內並沒有閣樓，該閣樓其實是僭建物。另外，改建原有廚房為開放式廚房，一般會涉及拆除須具耐火效能的牆及門，並有可能涉及拆除結構牆，有關工程須委任認可人士及/或註冊結構工程師，並向屋宇署呈交建築圖則，獲得批准及同意後才可由註冊承建商進行。在上述的個案中，地產代理應告知客戶有關物業內存有僭建物，並提醒客戶就該物業的僭建物所涉及的風險，包括可能影響樓宇結構及消防安全，以及屋宇署可就有關僭建物採取執法行動。另外，地產代理亦應提醒客戶，如欲進行室內

Through the EAA, the Buildings Department (“BD”) would like to remind licensees that they should remind their clients about the risk of UBW when handling property transactions. Licensees should not provide any misleading information to clients or else it may lead to the cancellation of the transaction and the licensee may be subject to disciplinary action by the EAA.

In a transaction for the sale of a property, the purchaser asked the estate agent during the inspection of the property, “Is the cockloft inside the flat illegal?”. The estate agent responded without any hesitation, “The flat is free of any UBW”. The purchaser made a further enquiry, “Can I alter the kitchen to become an open kitchen?”. The estate agent replied, “You can arrange your workers to remove the wall and door of the kitchen during fitting out works. As only internal works are involved, no prior application and approval are required in general”.

In fact, there was no such cockloft according to the approved building plans obtained from the BRAVO system of the BD. The cockloft was in fact an UBW. In addition, as creating an open kitchen would generally involve the removal of wall and door with fire resistance rating or even the removal of a structural wall, the owner is required to appoint an authorized person and a registered structural engineer to submit building plans to the BD. The works should be carried out by a registered contractor after obtaining approval and consent from the BD. In the above case, the estate agent should have informed the client that there was an UBW in the property and reminded the client about the risk of the UBW, including the possible structural and fire safety problems as well as the possible enforcement action by the BD. The estate agent should have also reminded the client to seek professional building advice as necessary when carrying out interior building works.



Licensees should remind their clients that UBW would prejudice the clients’ interest. The owner is ultimately responsible for the UBW in the property. Under the Buildings Ordinance, if the owner carries out unauthorised building works or fails to carry out the removal and rectification works within the period specified in the removal order without reasonable excuse, he/she may be subject to prosecution and have to bear criminal liability. The owner is responsible for ensuring the safety of the property and ensuring the property is free of UBW. If the UBW in the property results in loss of life or damage to property, the owner

工程，應按需要尋求建築專業人士意見。

持牌人須提醒客戶僭建物會損害他們利益。業主就其物業內的僭建物負有最終責任。在《建築物條例》下，業主如進行違例建築工程，或無合理辯解未能在清拆令指定的期限內清拆僭建物及完成糾正工程，均有可能被檢控及需負上刑事責任。業主有責任確保其樓宇安全及無僭建物。若因其樓宇的僭建物導致他人財物損失或人命傷亡，業主亦有機會負上其他刑事及民事法律責任。

持牌人可瀏覽屋宇署網頁 ([www.bd.gov.hk](http://www.bd.gov.hk)) 或掃描以下二維碼了解更多相關資訊。



may also bear other criminal and civil liabilities under the law.

For further information, please visit the BD's website at [www.bd.gov.hk](http://www.bd.gov.hk) or scan the following QR Code.



## 監管局職員獲頒發「2023年申訴專員嘉許獎」 EAA's staff received "The Ombudsman's Award" 2023

監管局一名職員獲頒發「2023年申訴專員嘉許獎—公職人員獎」，表揚他們處理查詢時的專業表現和積極態度。

申訴專員嘉許獎頒獎典禮於2023年11月15日舉行。監管局牌照部陳鍾明先生，憑着處理查詢時的出色表現，獲頒發「公職人員獎」。他以積極的態度為公眾服務，贏得了認可和讚揚。

An EAA's staff member received "The Ombudsman's Award" 2023 for "Officers of Public Organisations" in recognition of his professionalism and positive attitude in enquiries handling.

The Ombudsman's Awards Presentation Ceremony was held on 15 November 2023. Mr Samuel Chan from the Licensing Section received an individual award for his outstanding performance in handling enquiries. He earned the recognition and commendation by adopting a positive attitude to serve the public.



陳鍾明先生（右）從申訴專員趙慧賢女士，PDSM, PMSM手中接過獎座。

Mr Samuel Chan (right) receives the award from The Ombudsman, Ms Winnie Chiu, PDSM, PMSM.