

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.



? 倘若持牌人在處理受《業主與租客（綜合）條例》（第7章）（下稱「《條例》」）第IVA部租務管制制度規管的分間單位（俗稱「劏房」）住宅租賃事宜時，協助業主干犯《條例》下的罪行（例如：向租戶濫收水費及電費），他們會否需要承擔法律責任？

? When handling domestic tenancies in respect of subdivided units (“SDU”) that are subject to the tenancy control regime under Part IVA of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (“Ordinance”), if licensees assist the landlord in the commission of an offence under Part IVA of the Ordinance (e.g. overcharging the tenant for water and electricity), will the licensees be legally liable?

... 會。

任何人協助，教唆，慫使或促致另一人犯《條例》第IVA部下的任何罪行，即屬就同一罪行有罪。

因此，如持牌人協助，教唆，慫使或促致「規管租賃」的業主違反《條例》第IVA部下的罪行，他亦可因相關罪行而受審訊及懲處。

鑑於持牌人可能會就《條例》第IVA部面臨法律後果，他們不應協助，鼓勵，慫使或促致其業主客戶干犯《條例》第IVA部下的罪行。

... Yes.

Any person who aids, abets, counsels or procures the commission by another person of any offence under Part IVA of the Ordinance shall be guilty of the like offence.

Accordingly, if a licensee aids, abets, counsels or procures a landlord of a “regulated tenancy” to commit an offence under Part IVA of the Ordinance, he may be tried and punished under the relevant offence.

In view of the possible legal consequence that licensees may face under Part IVA of the Ordinance, they should not assist, encourage, counsel or procure their landlord clients in the commission of an offence under Part IVA of the Ordinance.

