

何謂「不反對入住書」?

“LETTER OF NO OBJECTION TO OCCUPY”

根據《建築物條例(新界適用)條例》(「條例」)，位於新界的鄉村屋宇，若其大小尺寸不超過條例訂明的限制，可獲豁免受制於《建築物條例》，因此鄉村屋宇的建築圖則亦不須經建築事務監督批准。

在此情況下，倘若鄉村屋宇擁有人能出示由註冊專業測量師或認可人士簽發的證明書，證明以下各項，地政專員才會補發不反對入伙通知書或完成規定事項證明書：

- (i) 該擁有人是該鄉村屋宇的合法登記業權人；
- (ii) 該鄉村屋宇符合有關租契、新批約或建築牌照的規定；
- (iii) 該鄉村屋宇的尺寸、高度等，符合條例的規定；和
- (iv) 該鄉村屋宇的發展是在有關地段範圍之內。

持牌人應注意，「不反對入住書」中可能載有某些免責聲明，例如政府發出該函件不可視作政府已申述該物業結構安全等。

Under the Buildings Ordinance (Application to the New Territories) Ordinance (“the Ordinance”), a village house in the New Territories not exceeding certain dimensions provided in the Ordinance is exempt from the provisions of the Buildings Ordinance and no building plans will need to be submitted to the Building Authority for approval.

In such a case, the District Lands Office will only issue a letter confirming that there is no objection to occupy the village house or Certificate of Compliance retrospectively if the owner of the village house can produce a certificate by a registered professional surveyor or an authorised person confirming the following items:

- (i) the owner is the legal registered owner of the village house;
- (ii) the village house complies with the conditions in the lease, New Grant or Building Licence;
- (iii) the dimensions, height etc. of the village house comply with those set out in the Ordinance; and
- (iv) the development of the village house is within the lot boundaries.

Licensees should bear in mind that there may be certain disclaimers in the “letter of no objection to occupy”, stating that the act of issuing the letter does not amount to the Government having represented that the property is structurally safe.

