

《簡樸房條例》經已生效 — 為基層家庭帶來更適切住所

Basic Housing Units Ordinance now in force – aims to provide better housing for grassroot families



為確保分間單位能提供安全、衛生和合理的居住環境，《簡樸房條例》（「《條例》」）已於2026年3月1日生效，除當中有關違法出租分間單位罪行的條文則將於2027年3月1日起生效。

因應《條例》的規定，監管局已於今年2月發出一份執業通告（編號26-01(CR)），為持牌人處理受《條例》下的簡樸房規管制度所規管、根據住宅租賃出租分間單位提供指引。該執業通告已於2026年3月1日生效（除了指明段落將於2027年3月1日起生效）。

該通告的重點如下：

(i) 規管範圍

《條例》下的規管制度適用於住用建築物或綜合用途建築物住用部分內的分間單位，及分間單位所處的樓宇單位（「主樓宇單位」），該些樓宇單位以下統稱為「住宅單位」。透過兩個或以上的獨立住宅租賃出租住宅單位內的分間單位，將會受簡樸房規管制度所規管。

(ii) 寬限期登記制度

房屋局已推行由2026年3月1日至2027年2月28日為期12個月的登記制度，供現存分間單位所處的住宅單位的擁有人或得到擁有人書面同意的人申請登記，以獲得由2027年3月1日至2030年2月28日為期36個月的劃一寬限期。

(iii) 簡樸房認證制度

由2026年3月1日起，房屋局同步推行簡樸房認證制度。若分間單位符合《條例》附表1所列明的居住環境最低標準，其簡樸房認證申請將被接納。

(iv) 於2026年3月1日至2027年2月28日期間採取的行動

- A. 就2026年3月1日之前已訂立的分間單位的現存住宅租賃，鼓勵涉及相關出租的持牌人：
- (a) 提醒其業主客戶如尚未為其樓宇單位進行登記，應於登記期內進行登記；

To ensure the provision of safe, hygienic and reasonable living conditions in subdivided units (“SDU”), the Basic Housing Units (“BHU”) Ordinance (“Ordinance”) has come into effect on 1 March 2026 (except for the provisions concerning the offence of unauthorised letting of SDUs, which will come into effect on 1 March 2027).

In light of the requirements in the Ordinance, the EAA has issued a Practice Circular (No. 26-01 (CR)) (“Circular”) in February this year to provide guidance to licensees when handling the letting of SDUs under domestic tenancies that are subject to the BHU regulatory regime (“Regime”) under the Ordinance. This Circular came into effect on 1 March 2026 (except for certain paragraphs which will come into effect from 1 March 2027).

Highlights of the Circular:

(i) Scope of regulation

The regulatory regime under the Ordinance is applicable to SDUs and the flats in which the SDUs are located (“principal flats”) in domestic buildings or the domestic part of composite buildings (hereafter collectively referred to as “residential flats”). Letting of SDUs in a residential flat under two or more domestic tenancies will be regulated under the Regime.

(ii) Grace period registration system

The Housing Bureau (“HB”) has rolled out a registration system for 12 months from 1 March 2026 to 28 February 2027 for owners or persons with written consents of the owners of residential flats with pre-existing SDUs to make registration for obtaining a uniform grace period of 36 months from 1 March 2027 to 28 February 2030 (“Grace Period”).

(iii) Recognition system on BHUs

The HB has also rolled out a recognition system on BHUs, accepting applications for BHU recognition of SDUs that comply with the minimum standards of living conditions set out in Schedule 1 to the Ordinance.

(iv) Actions to take from 1 March 2026 to 28 February 2027

- A. For subsisting domestic tenancies of SDUs already entered into prior to 1 March 2026, the EAA encourages relevant licensees to:
- (a) remind relevant landlord clients to register their flat within the Grace Period if they have not yet done so;

- (b) 提醒業主客戶不符合登記資格的住宅單位內的有效分間單位住宅租賃，應在2027年3月1日或之前，申請取得簡樸房認證，否則由2027年3月1日起，繼續出租相關分間單位，將構成刑事罪行；
- (c) 提醒相關業主客戶盡早計劃進行改動工程及申請簡樸房認證，並在設計及開展改動工程前尋求專業意見；及
- (d) 提醒業主客戶及租戶客戶在2025年10月3日當日或之前生效的已登記樓宇單位內的分間單位住宅租賃，仍可享受有四年租住權保障；及如對簡樸房規管制度有任何疑問，可向房屋局轄下分間單位專責小組查詢，及／或向專業人士尋求法律／專業意見。
- B. 就於2026年3月1日當日或之後但於2027年3月1日之前的現存分間單位所處的住宅單位中的分間單位的新住宅租賃(不屬於次期租賃)，持牌人必須以書面形式：
- (a) 提醒業主客戶申請寬限期登記並在寬限期屆滿前取得簡樸房認證(如他們仍未申請寬限期登記及／或簡樸房認證)；
- (b) 提醒業主客戶及租戶客戶：
- (i) 房屋局局長(「局長」)可在某些情況下取消寬限期登記及／或簡樸房認證，並指示終止相關租賃。相關租客可向相關營運人追討賠償；
- (ii) 除非相關分間單位在當日或之前已取得簡樸房認證，否則其租賃將於2029年9月1日自動終止，相關租客可向相關營運人追討賠償；
- (iii) 在倒數期內(即2029年9月1日至2030年2月28日期間)，除非相關分間單位在訂立相關租賃時或之前，已獲有效的簡樸房認證，否則已登記樓宇單位內的分間單位不得以新的住宅租賃出租；及
- (c) 建議客戶如對簡樸房規管制度有任何疑問，可向房屋局轄下分間單位專責小組查詢，及／或向專業人士尋求法律／專業意見。
- C. 就於2026年3月1日當日或之後但於2027年3月1日之前的新進入市場住宅單位內的分間單位的新住宅租賃，持牌人必須以書面形式：
- (b) alert the landlord clients of a valid domestic tenancy of an SDU in a residential flat ineligible for registration that they should obtain BHU recognition on or before 1 March 2027 otherwise, letting of such SDUs would constitute a criminal offence from 1 March 2027 onwards;
- (c) remind relevant landlord clients to plan for early alteration works and early application of BHU recognition; and advise them to seek professional advice before designing and commencing the alteration work; and
- (d) remind the landlord and tenant clients that domestic tenancies of SDUs in a registered flat effective on or before 3 October 2025 will still be able to enjoy the four years of security of tenure; and advise them to contact the Dedicated Team on Subdivided Units (“DTSDU”) under HB and/or seek legal/professional advice if they have questions concerning the Regime.
- B. For new domestic tenancies of SDUs in residential flats with pre-existing SDUs (not being second term tenancies) entered into on or after 1 March 2026 but before 1 March 2027, relevant licensees are required to do in writing:
- (a) remind the landlord clients to apply to register for the Grace Period and obtain BHU recognition before expiry of the Grace Period if they have not yet done so;
- (b) remind the landlord and tenant clients that:
- (i) the Secretary for Housing (“Secretary”) may cancel a Grace Period registration and/or BHU recognition under certain circumstances and direct that the concerned tenancy be terminated, in which case the tenant may recover compensation from the relevant operator;
- (ii) their tenancies will be automatically terminated on 1 September 2029 unless BHU recognition in respect of the SDUs concerned has been obtained on or before that date and the tenant may recover compensation from the relevant operator;
- (iii) no new letting of SDUs in registered flats under domestic tenancies will be allowed during the period from 1 September 2029 to 28 February 2030 (“Countdown Period”) unless valid BHUs recognition has been obtained on or before the concerned tenancy is entered into; and
- (c) advise them to contact the DTSDU under HB and/or seek legal/professional advice, if they have questions concerning the Regime.
- C. For new domestic tenancies of new entrant SDUs in residential flats entered into on or after 1 March 2026 but before 1 March 2027, relevant licensees are required to do in writing:

- (a) 提醒業主客戶在出租相關分間單位前申請並取得簡樸房認證及由2027年3月1日起，以住宅租賃出租沒有獲認證的分間單位將構成刑事罪行；
 - (b) 提醒業主客戶及租戶客戶，局長可在某些情況下取消寬限期登記及／或簡樸房認證，並指示終止相關租賃。相關租客可向相關營運人追討賠償；及
 - (c) 建議客戶如對簡樸房規管制度有任何疑問，可向房屋局轄下分間單位專責小組查詢，及／或向專業人士尋求法律／專業意見。
- (a) remind the landlord clients to apply for and obtain BHU recognition before letting out the SDUs concerned; and that the letting of unrecognised SDUs under a domestic tenancy would constitute a criminal offence from 1 March 2027;
 - (b) remind the landlord and tenant clients that the Secretary may cancel a BHU recognition under certain circumstances and direct that the concerned tenancy be terminated, in which case the tenant may recover compensation from the relevant operator; and
 - (c) advise them to contact the DTSDU under HB and/or seek legal/professional advice, if they have questions concerning the Regime.

(v) 於2027年3月1日起採取的行動

- A. 持牌人從事任何涉及於2027年3月1日或之後訂立的住宅租賃出租分間單位的地產代理工作前，必須先在簡樸房專題網站上查閱並確定(1)相關主樓宇單位是否已就寬限期進行登記；及／或(2)相關分間單位是否已獲有效的簡樸房認證。若兩者皆未符合，則持牌人不得參與任何涉及出租相關分間單位的行為。
 - B. 持牌人若參與涉及於2027年3月1日當日或之後但在倒數期開始之前訂立的新住宅租賃以出租已登記樓宇單位內的分間單位，須以書面形式：
 - (a) 提醒業主客戶及租戶客戶：
 - (i) 除非相關分間單位在2029年9月1日當日或之前已取得簡樸房認證，否則其租賃將於2029年9月1日自動終止。相關租客可向相關營運人追討賠償；
 - (ii) 局長可在某些情況下取消寬限期登記及／或簡樸房認證，並指示終止相關租賃。相關租客可向相關營運人追討賠償；
 - (iii) 在倒數期內，除非相關分間單位在訂立相關租賃時或之前，已獲有效的簡樸房認證，否則已登記樓宇單位內的分間單位不得以新的住宅租賃出租。
 - (b) 建議業主客戶遵守局長為執行其職能而提出有關文件／資料的要求，以免寬限期登記或簡樸房認證被取消；
 - (c) 提醒業主客戶就他們在申請中提供的詳情或簡樸房或其主樓宇單位的狀況有所變更，須在其知悉變更的指明時間內通知局長；及每五年為簡樸房認證續期；
- (v) **Actions to take from 1 March 2027 onwards**
 - A. Licensees are required, before engaging in any estate agency work involving the letting of SDUs under domestic tenancies to be entered into on or after 1 March 2027, to first ascertain whether (1) the principal flat concerned has been registered for the Grace Period; and/or (2) the SDU concerned has been granted a valid BHU recognition. If neither condition is met, licensees must not participate in any act which involves the letting of the SDU concerned.
 - B. Licensees who are involved in the letting of SDUs in registered flats under new domestic tenancies to be entered into on or after 1 March 2027 but before the commencement of the Countdown Period are required to do in writing:
 - (a) remind the landlord and tenant clients that:
 - (i) their tenancies will be automatically terminated on 1 September 2029 unless BHU recognition in respect of the SDUs concerned has been obtained on or before that date; and the tenant may recover compensation from the relevant operator;
 - (ii) the Secretary may cancel a Grace Period registration and/or BHU recognition under certain circumstances and direct that the concerned tenancy be terminated, in which case the tenant may recover compensation from the relevant operator; and
 - (iii) no new letting of SDUs in registered flats under domestic tenancies will be allowed during the Countdown Period unless valid BHUs recognition in respect of the SDUs concerned has been obtained on or before the concerned tenancy is entered into;
 - (b) advise the landlord clients to comply with the Secretary's request for documents/information to avoid cancellation of the Grace Period registration or BHU recognition;
 - (c) remind the landlord clients to notify changes of particulars provided in their application or change in the condition of a BHU or its principal flat to the Secretary within a specified time; and advise them to renew BHU recognition every five years;

- (d) 提醒業主客戶由2027年3月1日起，以住宅租賃出租沒有有效的寬限期的樓宇單位內沒有有效的簡樸房認證的分間單位將構成刑事罪行；及
- (e) 建議客戶如對簡樸房規管制度有任何疑問，可向房屋局轄下分間單位專責小組查詢，及／或向專業人士尋求法律／專業意見。
- C. 即使業主／營運人已為主樓宇單位獲取有效登記或相關分間單位取得簡樸房認證，持牌人處理於2027年3月1日當日或之後的住宅租賃以出租這些分間單位時，亦須以書面方式向相關客戶提示上述(v)段B部分的(b)至(e)項。
- (d) alert landlord clients that the letting of SDUs with no valid BHU recognition in a flat with no valid Grace Period under domestic tenancies from 1 March 2027 onwards would constitute a criminal offence; and
- (e) advise the landlord and tenant clients to contact the DTSDU under HB, and/or seek legal/professional advice, if they have questions concerning the Regime.
- C. Even if an owner/operator has been granted a valid Grace Period in respect of a principal flat or a valid BHU recognition in respect of the SDUs, licensees who handle the letting of these SDUs under domestic tenancies to be entered into on or after 1 March 2027 are required to inform relevant clients in writing items as mentioned in Section (v) B paragraphs (b) to (e) above.

(vi) 《條例》下「營運人」的定義

根據《條例》，「營運人」就某分間單位而言是指(a)將該分間單位出租作居住用途的人；或(b)任何其他不時有權因着將該分間單位出租作該用途而收取租金的人。因此，「營運人」包括住宅單位擁有人和不時代擁有人收取租金的地產代理，即使該地產代理沒有控制及管理相關住宅單位或分間單位。

問與答及流程圖

為協助業界了解指引，一套相關「問與答」及「參考流程圖」已上載至監管局網站。監管局再次建議持牌人邀請符合資格的現存分間單位業主盡快遞交寬限期登記申請，以受惠48個月的過渡期。

持續專業發展講座

《條例》已於2026年3月1日起正式生效，為配合政府致力改善「劏房」居住環境，保障住戶的居住安全及健康，監管局於2月24日邀請房屋局共同舉辦了一場設有即時傳譯的雙語網絡研討會。席間，房屋局代表及監管局代表分別講解有關條例的實施安排、申請程序及具體要求，以及就出租《條例》下的分間單位而發出的新執業通告——通告編號26-01(CR)中有關的規管制度及執業要求。

回饋社會

隨着簡樸房規管制度實施，一些居住於分間單位住戶有可能會因相關的改造工程影響而有安置需要。監管局鼓勵持牌人協助受影響的分間單位住戶尋找適合居所。例如有報道坊間有退休地產代理創辦社會企業，物業業主以低於市值租金出租單位，為有逼切住屋需要的人士，提供安穩及可負擔的居所。當部分業主願意以相宜租金出租物業時，持牌人可盡力與弱勢市民配對，尋找合適的分間單位。

(vi) The definition of “operator” under the Ordinance

According to the Ordinance, an “operator” in relation to an SDU means (a) a person who lets the SDU for habitation; or (b) any other person who is from time to time entitled to receive rent for such letting. As such, an operator includes an owner of the flat and any estate agent who from time to time collects rent for such letting on the owner’s behalf, even though the estate agent does not have control and management of the flat or SDU concerned.

Questions and Answers & flowchart

To assist the trade to understand the new guidelines, a set of Questions and Answers and a flowchart have been published on the EAA website. Once again, the EAA encourages licensees to invite their landlord clients of eligible pre-existing SDUs to submit applications for Grace Period registration early to fully benefit from the 48-month transitional period.

Continuing professional development webinar

The Basic Housing Units Ordinance has come into full operation with effect from 1 March 2026. To support the Government’s efforts to improve living environment of SDU and protect the safety and health of occupants, the EAA invited the HB to jointly conduct a bilingual webinar with simultaneous interpretation on 24 February. During the session, representatives from the HB and the EAA explained the implementation arrangements, application procedures and specific requirements under the Ordinance, and explained the details of the regulatory regime and practice requirements set out in the new practice circular on letting SDU under the “Basic Housing Units Ordinance” — Practice Circular No. 26-01 (CR).

Contribute to the community

Following the enactment of the BHU regulatory regime, some SDU tenants might be affected by alteration works and have rehousing needs. The EAA encourages licensees to provide assistance to the affected SDUs’ tenants to find suitable housing. For example, recently there is media report in which a retired estate agent has set up a social enterprise to identify landlords who are willing to rent their units lower than the market rent to provide safe and affordable housing for those with urgent housing needs. When some landlords are willing to rent out their units for cheaper rents, licensees can do their best to match them with the underprivileged to find suitable SDU.