

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.

問：在甚麼情況下出租分間單位會受《簡樸房條例》(「《條例》」)規管？

Q: Under what situation will the letting of Subdivided Units (“SDUs”) be regulated under the Basic Housing Units Ordinance (“Ordinance”)?

答：一般而言，若某住宅單位的布局曾被改動而令其布局與參照建築圖則上所顯示的布局有所不同及該住宅單位內有兩個或以上的房間，透過兩個或以上的住宅租賃(不論是書面或口頭協議)出租該些房間便會受《條例》規管。

A: Generally speaking, if the layout of a residential flat has been changed as compared to the reference building plan of the building and there are two or more rooms in that residential flat, the letting of these rooms under two or more domestic tenancies (either written or oral) will be regulated under the Ordinance.

換言之，若在參照建築圖則中的住宅單位的布局沒有被改動，簡樸房規管制度不會涵蓋出租該住宅單位內的房間。

In other words, the Basic Housing Units regulatory regime will not cover the letting of rooms in a residential flat if the layout of that flat in the reference building plan has not been altered.

為免生疑問，若相關住宅單位在取得佔用許可證(俗稱「入伙紙」)後並在《條例》刊憲日(即2025年10月3日)之前，有已獲屋宇署確認完工的建築工程以改動單位的布局，則該相關獲准建築圖則會被視為「參照建築圖則」*。

For the avoidance of doubt, if the relevant residential flat has any building works certified as completed by the Buildings Department to change the layout of the flat after obtaining the Occupation Permit and before the gazettal date of the Ordinance (i.e. 3 October 2025), the relevant approved building plan will be regarded as the “reference building plan”.

*就私人住宅單位而言，「參照建築圖則」一般是指獲屋宇署發出佔用許可證(俗稱「入伙紙」)的相關獲准建築圖則；如相關住宅單位在取得入伙紙後並在《條例》刊憲日(即2025年10月3日)之前，有已獲屋宇署確認完工的建築工程以改動單位的布局，則該相關獲准建築圖則會被視為「參照建築圖則」，以較新者為準。

*In respect of private residential flats, “reference building plan” generally refers to the relevant approved building plan for issuance of the Occupation Permit (“OP”) by the Buildings Department (“BD”); and if the relevant residential flat has any building works certified as completed by the BD to change the layout of the flat after obtaining the OP and before the gazettal date of the Ordinance (i.e. 3 October 2025), the relevant approved building plan will be regarded as the “reference building plan”, whichever is later.

