

監管局提醒持牌人謹慎陳述及宣傳分間單位

EAA reminds licensees to be prudent when describing or promoting subdivided units

監管局提醒持牌人，切勿在宣傳分間單位時作出任何失實的陳述。最近監管局發現的違規個案中，有地產代理在廣告中將一些分間單位陳述或宣傳為「簡樸房」，但事實上該些單位並未獲得簡樸房認證。發佈此類誤導性資訊，有機會被監管局紀律處分。

持牌人應先瀏覽房屋局簡樸房專題網站 (www.bhu.gov.hk) 以確認有關單位是否已獲批有效簡樸房認證，方可將該分間單位描述或宣傳為「簡樸房」。

此外，持牌人應留意，在宣傳任何非住宅分間單位時，應留意該些單位在相關政府租契下所容許的用途。如不容許居住用途，絕不可向客戶明示或暗示該等單位可供居住。如有客戶向代理查詢單位是否可當作住宅時，代理應向客戶清楚說明物業的許可用途，絕不可以誤導客戶。最好更應在臨時買賣合約或租約上清楚註明有關物業的准許用途。

最近有傳媒報道，有業主在工廈涉嫌非法分間不同單位作劏房分租予人居住，有地產代理拒絕放租並向傳媒舉報。監管局感謝該地產代理秉持行業專業，保障客戶的權益。持牌人如發現違規分間單位，請通知屋宇署或地政總署跟進。

The EAA reminds licensees not to make any misrepresentation when promoting subdivided units ("SDUs"). In non-compliant cases recently discovered by the EAA, some estate agents described or promoted some SDUs as "Basic Housing Units" ("BHUs") in their advertisements, when in fact those units had not yet been recognised as BHUs. Publishing such misleading information may result in disciplinary action by the EAA.

Licensees should visit the Housing Bureau's BHU thematic website (www.bhu.gov.hk) to ascertain whether a unit has been granted a valid BHU recognition before describing or promoting the SDU as a BHU.

In addition, licensees should note that when promoting subdivided units in any non-residential buildings, they must pay attention to the permitted uses of such units under the relevant government leases. If residential use is not allowed, licensees must not explicitly or implicitly convey to clients that these units can be used for residential purposes. If a client asks whether a unit can be used as a residence, the agent should clearly state the property's permitted use to the client and must never mislead them. It would be even better if the permitted use of the subdivided unit concerned is clearly stated in the provisional agreement for sale and purchase or tenancy agreement.

According to a recent media report, an owner was suspected of illegally letting subdivided units in an industrial building under domestic tenancies, and an estate agent refused the listing and reported it to the media. The EAA commends the estate agent for upholding industry professionalism and protecting the interests of their clients. If licensees discover non-compliant subdivided units, please notify the Buildings Department or the Lands Department for their follow-up.

《土地業權條例》附屬法例草案的進展

Progress of the draft subsidiary legislation under the Land Titles Ordinance

土地註冊處就《土地業權條例》(第585章)附屬法例的主要建議向其《土地業權條例》督導委員會成員發出諮詢文件。監管局作為該會成員之一，已收集主要地產代理業界團體的書面意見，並於2026年6月將有關意見連同監管局的意見一併提交予土地註冊處考慮。

土地註冊處已於2026年8月就監管局及業界的意見向監管局作出回覆。土地註冊處留意到業界的意見，並表示在敲定附屬法例草案及規劃未來運作時，會視乎情況，考慮納入相關的意見。八條相關附屬法例(2026年第130至137號法律公告)已於2026年10月16日刊憲並於2026年10月21日提交立法會進行先訂立後審議的程序。待相關附屬法例通過後，《2026年土地註冊(修訂)規例》中有關以電子方式遞交申請的若干條文，以及《2026年土地註冊費用(修訂)規例》，將於2027年10月4日電子遞交系統推出時生效。而其他相關附屬法例將於2027年上半年內由發展局局長另行指定日期開始實施。

為準備在新土地實施業權註冊制度，土地註冊處將聯同主要持份者，在新規例實施前後，針對公眾及業界人士展開宣傳活動及專業教育計劃。

The Land Registry ("LR") issued a consultation paper on the key proposals of the subsidiary legislation under the Land Titles Ordinance (Cap. 585) to consult members of its Land Titles Ordinance Steering Committee ("Committee"). As a member of the Committee, the EAA gathered written views from major estate agency trade associations and submitted them, together with the EAA's own comments, to the LR for consideration in June 2026.

The LR responded to the EAA with respect to the EAA's and the trade's comments in August 2026. The LR noted the views and indicated that it would take the trade's comments in relation to the proposed subsidiary legislation into consideration (where appropriate) when finalizing the draft subsidiary legislation and formulating their future operations. Eight pieces of relevant subsidiary legislation (Legal Notices 130-137/2026) were published in the Gazette on 16 October 2026 and laid before the LegCo on 21 October 2026 for negative vetting. Upon passage of the relevant subsidiary legislation, certain provisions relating to e-lodgement under the Land Registration (Amendment) Regulation 2026 and the Land Registration Fees (Amendment) Regulation 2026 will commence upon the launch of the e-lodgement system on October 2027 and the other relevant subsidiary legislation will come into operation on a date to be specified separately by the Secretary for Development in the first half of 2027.

To prepare for the implementation of the title registration system on new land, the LR will work in conjunction with key stakeholders to launch publicity campaign and professional education programmes before and after the implementation of the new regulations.