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( ) in HPLB(L) L/M 2/06  
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立法會秘書處  
規劃地政及工程事務委員會秘書  
(經辦人：薛鳳鳴女士)

(傳真：28696794)

(總頁數：3 頁)

薛女士：

**規劃地政及工程事務委員會  
屋宇發展項目的業主成立法團事**

2005 年 12 月 9 日來信收悉。

關於在地契中就公契加入適當條款及條件一事，本局欲指出，就新界小型屋宇政策下審批的小型屋宇，或新界豁免管制屋宇而言，自 1985 年年底起，其批地文件已訂明承批人必須藉訂立公契，把有關土地上屋宇的業權分為三等份不可分割業權份數，地下、二樓及三樓各佔一份，否則不得轉讓或以其他方式引致有關土地出現不可分割業權份數或權益。有關條文載於附件，以供參考。

有別於普遍對多層式住宅樓宇施加的公契條文，小型屋宇及新界豁免管制屋宇的公契無須由地政總署署長審批，原因是與公用地方及設施較多的多層式住宅樓宇比較，樓高只有 3 層的小型屋宇的共同擁有人之間的管理及維修權利與義務，相對上較為簡單。

房屋及規劃地政局局長

(羅嘉穎女士 代行)

副本送：地政總署署長(經辦人：茹建文先生)

2006 年 1 月 16 日

節錄自小型屋宇的批地條文（只有英文版本）

- (e) The Grantee shall not assign or otherwise create an undivided share or interest in the lot without complying with the following provisions :
  - (i) one undivided third share each shall first be allocated, by a Deed of Mutual Covenant complying with sub-clause (e)(iii) of this Special Condition, to the Ground Floor, the First Floor and the Second Floor of the building on the lot Provided that in the event of the roof of the said building being alienated together with one of the said Floors, the one undivided third share allocated to that particular Floor shall be deemed to include the said roof;
  - (ii) neither the lot nor any unit in the building thereon shall be divided, as to the title thereto, vertically; and
  - (iii) such assignment or other disposal (other than an underletting not exceeding 5 years) shall be made subject to and with the benefit of a Deed of Mutual Covenant which shall provide, inter alia, for a right of access to and through all the common parts of the lot and the building thereon and for the proper maintenance and repair of the said building and the common parts thereof free from obstruction.